

MONTANA LEGISLATIVE HISTORY

Chapter HR 1 19 89

Bill HK 1 S _____ Original bill & history ✓ c

H. Committee on Rules

S. Committee on _____

Hearing Date(s) 1-4 _____ c

Hearing Date(s) _____ c

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_____ c

Date Out 1-4 _____ c

Committee Report 1-10

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

Filed with Secretary of State 1-13

HOUSE FINAL STATUS

	4/19	HEARING		
	4/19	COMMITTEE REPORT--BILL CONCURRED		
	4/19	2ND READING CONCURRED	49	1
	4/19	3RD READING CONCURRED	46	2
		RETURNED TO HOUSE		
	4/26	SIGNED BY SPEAKER		
	4/26	SIGNED BY PRESIDENT		
	4/27	FILED WITH SECRETARY OF STATE		
HJ 49		INTRODUCED BY ELLIOTT, ET AL. REQUEST AN INTERIM STUDY ON MEDICAID COST CONTAINMENT		
	4/13	INTRODUCED		
	4/13	REFERRED TO HUMAN SERVICES & AGING		
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	4/17	2ND READING PASSED	71	26
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	4/18	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
	4/19	HEARING		
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	4/19	INTRODUCED		
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	1/09	INTRODUCED		
	1/10	REFERRED TO RULES		
	1/10	COMMITTEE REPORT--BILL PASSED		
	1/11	2ND READING PASSED AS AMENDED	87	10
	1/13	SIGNED BY SPEAKER		
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HR 2		INTRODUCED BY VINCENT URGE LOCATION OF MALTING BARLEY PLANT IN MONTANA		
	4/01	INTRODUCED		
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	4/06	HEARING		
	4/06	COMMITTEE REPORT--BILL PASSED		
	4/10	2ND READING PASSED	96	0
	4/17	SIGNED BY SPEAKER		
	4/17	FILED WITH SECRETARY OF STATE		

INDEX HOUSE AND SENATE JOURNALS

Fifty-First Legislature 1989



Published by
Montana Legislative Council

Room 138, State Capitol
Helena, Montana 59620

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HOUSE RESOLUTIONS

AS INTRODUCED

Boldface figures refer to roll calls

- 0001 INTRODUCED BY HARPER (BY REQUEST OF THE HOUSE COMMITTEE ON RULES): A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.

HOUSE PAGE NO. 46, 55, **58**, 78.

- 0002 INTRODUCED BY VINCENT: A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING ANHEUSER-BUSCH TO LOCATE A MALTING BARLEY PROCESSING PLANT IN MONTANA.

HOUSE PAGE NO. 1775, 1876, 1915, **1951**, 2034, 2091.

HOUSE RESOLUTION NO. 1INTRODUCED BY Hager

BY REQUEST OF THE HOUSE COMMITTEE ON RULES

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following rules be adopted:

Chapter 1

Administration

H10-10. House officers. (1) House officers include a Speaker, a Speaker pro tempore, majority and minority floor leaders, and majority and minority whips (section 5-2-221, MCA).

(2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the House membership. A majority of each caucus voting nominates House members to the remaining offices, and those nominees are considered to have been elected by a majority vote of the House.

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, and decorum.

(2) The Speaker may order the galleries or lobbies

cleared in case of disturbance or disorderly conduct.

(3) The Speaker shall appoint and may remove the members of all standing and select committees not otherwise specified by law or rule.

(4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals (section 5-11-201, MCA), subpoenas, and payrolls.

(5) The Speaker shall arrange the agendas for second and third readings each legislative day. Representatives may amend the agendas as provided in H40-120.

(6) The Speaker is the chief administrative officer of the House, with authority for supervising all House employees. The Speaker may seek the advice and counsel of the Legislative Administration Committee regarding employees.

H10-30. Speaker-elect. During the transition period between the party organization caucuses and the election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the House (section 5-2-202, MCA). Authority includes approving pre-session expenditures.

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall act as the presiding officer in the absence of the Speaker and shall carry out other duties assigned by the

1 Speaker.

2 H10-50. Legislative Administration Committee duties.

3 (1) The Legislative Administration Committee shall consider
4 matters relating to legislative administration, staffing
5 patterns, budgets, equipment, operations, and expenditures.

6 (2) The committee shall have authority to act in the
7 interim to prepare for future legislative sessions. It may
8 delegate specific duties to a legislative agency.

9 (3) The committee shall approve contracts for purchase
10 or lease of equipment and supplies for the House, subject to
11 the approval of the Speaker.

12 (4) The committee shall comprise the House membership
13 of the Joint Legislative Administration Committee.

14 H10-60. Employees. (1) The Speaker shall appoint a
15 Chief Clerk, Sergeant-at-Arms, and Chaplain, subject to
16 confirmation of the House (section 5-2-221, MCA).

17 (2) The Speaker shall recommend to the Legislative
18 Administration Committee employment of necessary staff.

19 (3) The secretary for a standing or select committee
20 is generally responsible to the committee chairman but shall
21 work under the direction of the Chief Clerk.

22 (4) The Speaker and majority and minority floor
23 leaders may each appoint a private secretary.

24 H10-70. Chief Clerk's duties. The Chief Clerk, under
25 the supervision of the Speaker, is responsible to:

1 (1) have custody of all records and documents of the
2 House;

3 (2) supervise the handling of legislation in the
4 House, the House journal, and other House publications;
5 deliver to the Secretary of State at the close of each
6 session the House journal, bill and resolution records, and
7 all original House bills and joint resolutions; collect
8 minutes and exhibits from all House committees and
9 subcommittees and deliver them, unbound, to the Legislative
10 Council librarian who will arrange to have them copied on
11 microfilm. A microfilm copy will be provided to the
12 Legislative Council and the Montana State Law Library. The
13 Legislative Fiscal Analyst will receive a microfilm copy of
14 the minutes from the appropriation committee and
15 subcommittees. After microfilming, the original minutes
16 will be delivered to the Montana Historical Society.

17 H10-80. Sergeant-at-Arms duties. The Sergeant-at-Arms,
18 under the supervision of the Speaker, has the responsibility
19 to:

20 (1) maintain order under the direction of the
21 presiding officer;

22 (2) execute commands and serve all processes of the
23 House; and

24 (3) receive, distribute, and have custody of House
25 supplies and equipment.

H10-90. Legislative aides. (1) A legislative aide is a person specifically designated by a representative to assist that representative in performing legislative duties. A representative may sponsor one legislative aide a session by written notification to the Sergeant-at-Arms.

(2) No representative may designate a second legislative aide in the same session without the approval of the House Rules Committee.

(3) A legislative aide must be of legal age unless otherwise approved by the House Rules Committee.

(4) The Sergeant-at-Arms shall issue distinctive identification tags to legislative aides. The cost must be paid by the sponsoring representative.

H10-100. Legislative interns. A legislative intern is a person designated under Title 5, chapter 6, MCA.

H10-110. House journal. (1) The House shall keep a journal, which is the official record of House actions (Montana Constitution, Art. V, Sec. 10). The journal must be prepared under the direction of the Speaker.

(2) Records of the following proceedings must be entered on the journal:

(a) the taking and subscription of the constitutional oath by representatives (Montana Constitution, Art. III, Sec. 3; 5-2-214);

(b) committee reports;

(c) messages from the Governor;

(d) messages from the Senate;

(e) every motion, the name of the representative presenting it, and its disposition;

(f) the introduction of legislation in the House;

(g) consideration of legislation subsequent to introduction;

(h) on final passage of legislation, the names of the representatives and their vote on the question (Montana Constitution, Art. V, Sec. 11);

(i) roll call votes; and

(j) upon a request by two representatives before a vote is taken, the names of the representatives and their votes on the question.

(3) The Chief Clerk shall provide to the Legislative Council such information as may be required for the publication of the daily journal. Upon approval by the Speaker, the daily journal shall be reproduced and distributed.

(4) Any representative may examine the daily journal and propose corrections. The speaker may direct a correction to be made when suggested subject to objection by the House.

(5) The Speaker shall authenticate the House journal after the close of the session (section 5-11-201, MCA).

(6) The Legislative Council shall publish and

1 distribute the House journal (sections 5-11-202 and
2 5-11-203, MCA). The title of each bill must be listed in the
3 index of the published session journal.

4 **H10-120. Votes recorded and public.** Every vote of each
5 representative on each substantive question in the House, in
6 any committee, or in committee of the whole must be recorded
7 and made public (Montana Constitution, Art. V, Sec. 11).

8 **H10-130. Duration of legislative day.** A legislative
9 day ends either 24 hours after the House convenes for that
10 day or at the time the House convenes for the following
11 legislative day, whichever is earlier.

12 Chapter 2

13 Decorum

14 **H20-10. Questions of order and privilege. (1)**
15 Questions of order and privilege, in order of precedence,
16 are:

17 (a) those affecting the collective rights, safety,
18 dignity, and integrity of the House; and

19 (b) those affecting the rights, reputation, and
20 conduct of individual representatives.

21 (2) The Speaker shall decide all questions of order
22 and privilege, subject to an appeal by any representative
23 seconded by two representatives.

24 **H20-20. Limits on lobbying.** Lobbying on the House
25 floor and in the anteroom is prohibited during a daily

1 session, 2 hours before the session, and 2 hours after the
2 session.

3 **H20-30. Admittance to the House floor.** The following
4 persons may be admitted to the House floor during a daily
5 session: present and former legislators; legislative
6 employees necessary for the conduct of the session;
7 accredited news staff; and members' spouses and children.
8 The Speaker may allow exceptions to this rule.

9 **H20-40. Dilatory motions or questions.** The House has a
10 right to protect itself from dilatory motions or questions
11 used for the purpose of delaying or obstructing business.
12 The Speaker shall decide if motions (except a call of the
13 House) or questions are dilatory. This decision may be
14 appealed to the House.

15 **H20-50. Opening and order of business.** The opening of
16 each legislative day must include an invocation, the pledge
17 of allegiance, and roll call. Following the opening, the
18 order of business of the House is as follows:

- 19 (1) communications and petitions;
- 20 (2) reports of standing committees;
- 21 (3) reports of select committees;
- 22 (4) messages from the Senate;
- 23 (5) messages from the Governor;
- 24 (6) first reading and commitment of bills;
- 25 (7) second reading of bills;

- (8) third reading of bills;
- (9) motions;
- (10) unfinished business;
- (11) special orders of the day; and
- (12) announcement of committee meetings.

H20-60. Lobbying by employees. (1) A legislative employee, intern, or aide of either house is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

(2) The Speaker or the Legislative Administration Committee may discipline or discharge any House employee violating this prohibition. The Speaker or the committee may withdraw the privileges of any House aide or intern violating this prohibition.

H20-70. Papers distributed on desks. A paper concerning proposed legislation may not be placed on representatives' desks unless it is signed and permission has been granted by the Speaker. The Sergeant-at-Arms shall direct its distribution.

Chapter 3

Committees

H30-10. House standing committees. The following are the House standing committees: Agriculture, Livestock, and Irrigation; Appropriations; Business and Economic Development; Education and Cultural Resources; Fish and

Game; Highways and Transportation; Human Services and Aging; Judiciary; Labor and Employment Relations; Legislative Administration; Local Government; Natural Resources; Rules; State Administration; and Taxation.

H30-20. Chairman's duties. The chairman of a committee is the presiding officer of that committee and is responsible for maintaining order within the committee room and its environs, scheduling hearings and executive action, supervising committee work, and certifying committee reports and minutes.

H30-30. Officers as members. The Speaker, majority leader, and minority leader are ex officio, nonvoting members of all House committees. They are not required to be considered in the quorum, but they may count toward establishing a quorum.

H30-40. Committee action. (1) When legislation is referred to a committee, it may recommend approval or disapproval, with or without amendment.

(2) The committee may not report a bill to the House without recommendation.

(3) If a bill is withdrawn from a committee and brought to the House floor without a committee recommendation, the bill must include amendments formally adopted by committee action as reflected in committee minutes for debate on second reading.

H30-50. Reconsideration in committee. Except for the Committee of the Whole, a committee may at any time prior to submitting a report to the Chief Clerk reconsider its previous action on legislation.

H30-60. Legislation requested by a committee. At least two-thirds of all the representatives of a standing committee must have voted in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be taken jointly or separately.

H30-70. Rules committee makeup. The Speaker will determine the total number of members and the party division, but each party will appoint its own members.

Chapter 4

Legislation

H40-10. Introduction deadlines. (1) Except as provided in subsection (2), if a representative accepts drafted legislation from the Legislative Council after the deadline for introduction, the representative may not introduce that legislation after 48 hours from the time the bill was accepted from the Legislative Council.

(2) No bill or resolution may be introduced any later than 5 p.m. 5 legislative days prior to the appropriate transmittal deadline.

H40-20. House resolutions. (1) A House resolution is

used to adopt or amend House rules, make recommendations on the districting and apportionment plan (Montana Constitution, Art. V, Sec. 14), express the sentiment of the House, or assist House operations.

(2) As to drafting, introduction, and referral, a House resolution is treated as a bill. Final passage of a House resolution is determined by the Committee of the Whole report. A House resolution does not progress to third reading.

(3) The Chief Clerk shall transmit a copy of each passed House resolution to the Senate and the Secretary of State.

H40-30. Cosponsors. (1) Prior to submitting legislation to the Chief Clerk for introduction, the chief sponsor may add representatives and senators as cosponsors by having them sign the three copies.

(2) After legislation is submitted for introduction but before the legislation returns from the first House committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Chief Clerk. This filing must be noted for the record on Order of Business No. 11.

H40-40. Introduction. (1) During a session, proposed House legislation may be introduced in the House by submitting it in triplicate, endorsed with the signature of a representative as chief sponsor, to the Chief Clerk for

1 introduction. In each session of the Legislature, the
2 proposed legislation must be numbered consecutively by type
3 in the order of receipt. Submission and numbering of
4 properly endorsed legislation constitutes introduction.

5 (2) Preintroduction of legislation prior to a session
6 under provisions of the joint rules constitutes introduction
7 in the House.

8 (3) Acknowledgment by the Chief Clerk of receipt of
9 legislation transmitted from the Senate for consideration by
10 the House constitutes introduction of the Senate legislation
11 in the House.

12 **H40-50. First reading.** Legislation properly introduced
13 or received in the House must be announced across the
14 rostrum and public notice provided. This announcement
15 constitutes first reading, and no debate or motion is in
16 order except that a representative may question adherence to
17 rules.

18 **H40-60. One reading per day.** Except on the final
19 legislative day, legislation may receive no more than one
20 reading per legislative day. On the final legislative day,
21 legislation may receive more than one reading.

22 **H40-70. Referral.** (1) The Speaker shall refer to a
23 House committee all properly introduced House legislation
24 and transmitted Senate legislation.

25 (2) Legislation may not receive final passage and

1 approval unless it has been referred to a House committee.

2 **H40-80. Rereferral.** Legislation that is in the
3 possession of the House and that has not been killed may be
4 rereferred to a House committee by House motion approved by
5 not less than three-fifths of the members present and
6 voting.

7 **H40-90. Legislation withdrawn from committee.**
8 Legislation may be withdrawn from a House committee by House
9 motion approved by not less than three-fifths of the members
10 present and voting.

11 **H40-100. Standing committee reports.** (1) A House
12 standing committee recommendation of "do pass" or "be
13 concurred in" must be announced across the rostrum and, if
14 there is no objection to form, is considered adopted.

15 (2) A recommendation of "do not pass" or "be not
16 concurred in" must be announced across the rostrum and, on
17 the following legislative day, may be debated and adopted or
18 rejected on Order of Business No. 2. A motion to reject an
19 adverse committee report must be approved by not less than
20 three-fifths of the members voting.

21 (3) If the House rejects an adverse committee report,
22 the bill progresses to second reading, as scheduled by the
23 Speaker, with any amendments recommended by the committee.

24 **H40-110. Legislation requiring other than a majority**
25 **vote.** Legislation that requires other than a majority vote

1 for final passage needs only a majority vote for any action
2 that is taken prior to final passage and that normally
3 requires a majority vote.

4 **H40-120. Amending House second and third reading**
5 **agendas.** (1) A majority of representatives present may
6 rearrange or remove legislation from either the second or
7 third reading agenda on that legislative day.

8 (2) Legislation may be added to the second or third
9 reading agenda on that legislative day on a motion approved
10 by not less than three-fifths of the members present and
11 voting.

12 **H40-130. Second reading.** (1) Legislation returned from
13 committee may be placed on second reading unless otherwise
14 ordered by the House.

15 (2) The House shall form itself into a Committee of
16 the Whole to consider business on second reading. The
17 Committee of the Whole may debate legislation, attach
18 amendments, and recommend approval or disapproval of
19 legislation.

20 (3) Except on the final legislative day, at least 1
21 legislative day must elapse between the time legislation is
22 reported from committee and the time it is considered on
23 second reading.

24 (4) If a motion to recommend that a bill "do pass" or
25 "be concurred in" fails in the Committee of the Whole, the

1 obverse, i.e., a recommendation that the bill "do not pass"
2 or "be not concurred in", is considered to have passed.

3 (5) An amendment attached to legislation by the
4 Committee of the Whole remains unless removed by further
5 legislative action.

6 (6) When the Committee of the Whole reports to the
7 House, the House shall adopt or reject the Committee of the
8 Whole report. If the House rejects the Committee of the
9 Whole report, the legislation remains on second reading, as
10 amended by the Committee of the Whole, unless the House
11 orders otherwise.

12 (7) A representative may move to segregate legislation
13 from the Committee of the Whole report before the report is
14 adopted. Segregated legislation, as amended by the Committee
15 of the Whole, must be placed on second reading unless the
16 House orders otherwise.

17 **H40-140. Amendments in the Committee of the Whole.** (1)
18 All Committee of the Whole amendments must be checked by the
19 House amendments coordinator for format, style, clarity,
20 consistency, and other factors, in accordance with the most
21 recent Bill Drafting Manual published by the Legislative
22 Council, before the amendment may be accepted at the
23 rostrum. The amendment form must include the date and time
24 the amendment is submitted for that check.

25 (2) An amendment submitted to the rostrum for

1 consideration by the Committee of the Whole must be marked
2 as checked by the amendments coordinator and signed by a
3 representative.

4 (3) A copy of every amendment rejected by the
5 Committee of the Whole must be kept as part of the official
6 records.

7 **H40-150. Motions in the Committee of the Whole.** (1)
8 When the House resolves itself into a Committee of the
9 Whole, the only motions in order are to:

- 10 (a) amend;
- 11 (b) recommend passage or nonpassage;
- 12 (c) recommend concurrence or nonconcurrence;
- 13 (d) indefinitely postpone;
- 14 (e) pass consideration;
- 15 (f) call for cloture;
- 16 (g) rise, rise and report, or rise and report progress
17 and beg leave to sit again; and
- 18 (h) to change the order in which legislation is placed
19 on the agenda.

20 (2) Subsections (1)(e) through (1)(g) are nondebatable
21 but may be amended.

22 (3) If a quorum of representatives is not present
23 during second reading, the Committee of the Whole may
24 conduct no business on legislation and a motion for a call
25 of the House without a quorum is in order.

1 **H40-160. Limits on debate in the Committee of the**
2 **Whole.** (1) Except for the representative who makes a motion,
3 no representative may speak more than once on the motion and
4 for no more than 5 minutes. The representative who makes
5 the motion may have 5 minutes to close.

6 (2) After at least two proponents and two opponents
7 have spoken on a question and 45 minutes have elapsed, a
8 motion to call for cloture is in order. Approval by not less
9 than two-thirds of the members present and voting is
10 required to sustain a motion for cloture. Notwithstanding
11 the passage of a motion to end debate, the sponsor of the
12 motion on which debate was ended may close.

13 (3) By previous agreement of the Speaker and the
14 minority floor leader, a bill or resolution may be allocated
15 a predetermined amount of time for debate and number of
16 speakers.

17 **H40-170. Special provisions for debate on the general**
18 **appropriations bill.** (1) The Appropriations Committee
19 chairman, in presenting the bill, is not subject to the
20 5-minute speaking limitation.

21 (2) Each appropriations subcommittee chairman shall
22 fully present his or her portion of the bill. A subcommittee
23 chairman is not subject to the 5-minute speaking limitation.

24 (3) After the presentation by the subcommittee
25 chairman, the respective section of the bill is open for

1 debate, questions, and amendments.

2 (4) An amendment that affects more than one section of
3 the bill must be offered when the first section affected is
4 considered.

5 (5) Following completion of the debate on each
6 section, that section is closed and may not be reopened
7 except by majority vote.

8 (6) If a member moves to reopen a section for
9 amendment, only the amendment of that member may be
10 entertained. Another member wishing to amend the same
11 section shall make a separate motion to reopen the section.

12 (7) Debate on the motion to reopen a section is
13 limited to the question of reopening the section. The
14 amendment itself may not be debated at that time. This
15 limitation does not prohibit the member from explaining the
16 amendment to be considered.

17 (8) A motion for cloture is not in order during debate
18 on the general appropriations bill.

19 **H40-180. Engrossing.** (1) After legislation is passed
20 on second reading, it must be engrossed within 48 hours
21 under the direction of the Speaker. The Speaker may grant
22 additional time for engrossing.

23 (2) When the legislation has been reported correctly
24 engrossed, it may be placed on third reading on the
25 following legislative day. On the final legislative day, the

1 correctly engrossed legislation may be placed on third
2 reading on the same legislative day.

3 **H40-190. Third reading.** (1) All bills, joint
4 resolutions, and Senate amendments to House bills and
5 resolutions passing second reading must be placed on third
6 reading.

7 (2) Legislation on third reading may not be amended or
8 debated.

9 (3) The Speaker shall state the question on
10 legislation on third reading. If a majority of the
11 representatives voting does not approve the legislation, it
12 fails to pass third reading.

13 **H40-200. Senate legislation in the House.** Senate
14 legislation properly transmitted to the House must be
15 treated as House legislation.

16 **H40-210. Senate amendments to House legislation.** (1)
17 When the Senate has properly returned House legislation with
18 Senate amendments, the House shall announce the amendments
19 on Order of Business No. 4, and the Speaker shall place
20 them on second reading for debate.

21 (2) If the House accepts Senate amendments on
22 legislation requiring more than a majority vote for final
23 passage, the House, following approval of the Senate
24 amendments on third reading, shall place the final form of
25 the legislation on third reading to determine if the

1 required vote is obtained.

2 (3) If the House rejects the Senate amendments, the
3 House may request the Senate to recede from its amendments
4 or may direct appointment of a conference committee and
5 request the Senate to appoint a like committee.

6 **H40-220. Conference committee reports.** (1) When a
7 House conference committee files a report, the report must
8 be announced under Order of Business No. 3.

9 (2) The House may debate and adopt or reject the
10 conference committee report on second reading on any
11 legislative day.

12 (3) If both the House and the Senate adopt the same
13 conference committee report on legislation requiring more
14 than a majority vote for final passage, the House, following
15 approval of the conference committee report on third
16 reading, shall place the final form of the legislation on
17 third reading to determine if the required vote is obtained.

18 (4) If the House rejects a conference committee
19 report, the committee continues to exist unless dissolved by
20 the Speaker or by motion. The committee may file a
21 subsequent report.

22 (5) A House conference committee may confer regarding
23 matters assigned to it with any Senate conference committee
24 with like jurisdiction and submit recommendations for
25 consideration of the House.

1 **H40-230. Enrolling.** (1) When House legislation has
2 passed both houses, it must be enrolled within 48 hours
3 under the direction of the Speaker. The Speaker may grant
4 additional time for enrolling.

5 (2) The chief sponsor of the legislation shall examine
6 the enrolled legislation and, if it has no enrolling errors,
7 shall, within 1 legislative day, certify the legislation as
8 correctly enrolled.

9 (3) The correctly enrolled legislation must be
10 delivered to the Speaker, who shall sign the legislation not
11 later than the following legislative day. When enrolled
12 legislation is delivered on the final legislative day, the
13 Speaker shall sign it that day.

14 (4) After the legislation has been reported correctly
15 enrolled but before it is signed, any representative may
16 examine the legislation.

17 **H40-240. Governor's amendments.** (1) When the Governor
18 returns a bill with recommended amendments, the House shall
19 announce the amendments under Order of Business No. 5.

20 (2) The House may debate and adopt or reject the
21 Governor's recommended amendments on second reading on any
22 legislative day.

23 (3) If both the House and the Senate accept the
24 Governor's recommended amendments on a bill that requires
25 more than a majority vote for final passage, the House shall

1 place the final form of the legislation on third reading to
2 determine if the required vote is obtained.

3 **H40-250. Governor's veto.** (1) When the Governor
4 returns a bill with a veto, the House shall announce the
5 veto under Order of Business No. 5.

6 (2) On any legislative day, a representative may move
7 to override the Governor's veto by a two-thirds vote under
8 Order of Business No. 9.

9 Chapter 5
10 Floor Actions

11 **H50-10. Attendance.** (1) A representative, unless
12 excused, is required to be present at every sitting of the
13 House.

14 (2) A representative may request in writing to be
15 excused for a specified cause by his party leader. This
16 excused absence is not a leave with cause from a call of the
17 House.

18 **H50-20. Quorum.** (1) A quorum of the House is fifty-one
19 representatives (Montana Constitution, Art. V, Sec. 10).

20 (2) Any representative may question the lack of a
21 quorum at any time a vote is not being taken. The question
22 is nondebatable, may not be amended, and is resolved by a
23 roll call.

24 (3) The House may conduct no business without a
25 quorum, except that representatives present may convene,

1 compel the attendance of absent representatives, or adjourn.

2 **H50-30. Call of the House without a quorum.** (1) In the
3 absence of a quorum, a majority of the representatives
4 present may compel the attendance of absent representatives
5 through a call of the House without a quorum. The motion for
6 the call is nondebatable, may not be amended, and is in
7 order at any time it has been established that a quorum is
8 not present.

9 (2) During a call of the House, all business is
10 suspended. No motion is in order except a motion to adjourn
11 or to remove the call.

12 (3) When a quorum has been achieved under the call,
13 the call is automatically lifted. The call may also be
14 lifted by adjournment or by two-thirds of the
15 representatives present and voting.

16 **H50-40. Call of the House with a quorum.** (1) If a
17 quorum is present but at least one representative is excused
18 or absent, one-third of the representatives present and
19 voting may order a call of the House with a quorum.

20 (2) The motion for a call is nondebatable, may not be
21 amended, and is in order at any time a vote is not being
22 taken, except that a call of the House with a quorum is not
23 allowed in the Committee of the Whole.

24 (3) During a call of the House, all business is
25 suspended. No motion is in order except a motion to adjourn

1 or to remove the call.

2 (4) When all representatives are present, except those
3 on leave with cause, the call is automatically lifted. The
4 call may also be lifted by adjournment or by two-thirds of
5 the representatives present and voting.

6 H50-50. Leave with cause. (1) During a call of the
7 House, a representative with an overriding medical or
8 personal reason may request a leave with cause.

9 (2) If the representative is present at the time of
10 the call, the Speaker may approve a request for a leave with
11 cause.

12 (3) If the representative is not present at the time
13 of the call, two-thirds of the representatives present and
14 voting may approve a request for leave with cause.

15 (4) During a call of the House, a representative on
16 leave with cause may not cast a paired vote.

17 H50-60. Motions. (1) Any representative may propose a
18 motion allowed by the rules for the order of business under
19 which the motion is offered for the consideration of the
20 House. Unless otherwise specified in rule or law, a majority
21 of representatives voting is necessary and sufficient to
22 decide a motion.

23 (2) Seconds to motions on the House floor are not
24 required.

25 (3) Pairs are not allowed on votes that are specified

1 as "representatives present and voting".

2 H50-70. Limits on debate of debatable motions. (1)
3 Except for the representative who places a debatable motion
4 before the body, no representative may speak more than once
5 on the question unless a unanimous House consents. The
6 representative who places the motion may close.

7 (2) No representative may speak for more than 15
8 minutes on the same question, except that a representative
9 may have 5 minutes to close.

10 H50-80. Nondebatable motions. (1) A representative has
11 the right to understand any question before the House and,
12 usually under the administration of the presiding officer,
13 may ask questions to exercise this right.

14 (2) The following motions are nondebatable:

- 15 (a) to adjourn;
- 16 (b) for a call of the House;
- 17 (c) to recess or rise;
- 18 (d) for parliamentary inquiry;
- 19 (e) to table or take from the table;
- 20 (f) to call for the previous question or cloture;
- 21 (g) to amend a nondebatable motion;
- 22 (h) to divide a question;
- 23 (i) to postpone consideration to a day certain; and
- 24 (j) all incidental motions, such as motions relating
- 25 to voting or of a general procedural nature.

1 **H50-90. Questions.** A representative may, through the
 2 presiding officer, ask questions of another representative
 3 during a floor session. There is no limit on questions and
 4 answers, except as provided in H20-40.

5 **H50-100. Amending motions -- limitations.** (1) A
 6 representative may move to amend the specific provisions of
 7 a motion without changing its substance.

8 (2) No more than one motion to amend a motion is in
 9 order at any one time.

10 (3) A motion for a call of the House, for the previous
 11 question, to table, or to take from the table may not be
 12 amended.

13 **H50-110. Substitute motions.** (1) When a question is
 14 before the House, no substitute motion may be made except
 15 the following, which have precedence in the order listed:

- 16 (a) to adjourn;
- 17 (b) for a call of the House;
- 18 (c) to recess or rise;
- 19 (d) for a question of privilege;
- 20 (e) to table;
- 21 (f) to call for the previous question or cloture;
- 22 (g) to postpone consideration to a day certain;
- 23 (h) to refer to a committee;
- 24 (i) to propose amendments; and
- 25 (j) to postpone indefinitely.

1 (2) Nothing in this section allows a motion that would
 2 not otherwise be allowed under a particular order of
 3 business.

4 (3) No more than one substitute motion is in order at
 5 any one time.

6 **H50-120. Withdrawing motions.** A representative who
 7 proposes a motion may withdraw it before it is voted on or
 8 amended.

9 **H50-130. Dividing a question.** A representative may
 10 move to divide a question if it includes two or more
 11 propositions so distinct that they can be separated and if
 12 at least one substantive question remains after one
 13 substantive question is removed.

14 **H50-140. Previous question.** (1) If a majority of
 15 representatives present and voting adopts a motion for the
 16 previous question, debate is closed on the question and it
 17 must be brought to a vote. The Speaker may not entertain a
 18 motion to end debate unless at least one proponent and one
 19 opponent have spoken on the question.

20 (2) Notwithstanding the passage of a motion to end
 21 debate, the sponsor of the motion on which debate was ended
 22 may close.

23 **H50-150. Questions requiring other than a majority**
 24 **vote.** The following questions require the vote specified:

25 (1) a call of the House with a quorum (one-third of

1 the members present and voting);

2 (2) a motion to lift a call of the House (two-thirds

3 of the members present and voting);

4 (3) a motion to amend or suspend rules (two-thirds);

5 (4) a motion to record a vote (one representative);

6 (5) a motion to spread a vote on the journal (two

7 representatives);

8 (6) a motion to override the Governor's veto

9 (two-thirds);

10 (7) a motion to approve a bill to appropriate the

11 principal of the coal trust fund (three-fourths of each

12 house);

13 (8) a motion to approve a bill to appropriate highway

14 revenue as described in Article VIII, section 6, of the

15 Montana Constitution for purposes other than therein

16 described (three-fifths of each house);

17 (9) a motion to approve a bill proposing to amend the

18 Montana Constitution (two-thirds of the entire Legislature);

19 (10) an appeal of the ruling of the presiding officer

20 (three representatives);

21 (11) a motion to speak more than once on a debatable

22 motion (unanimous vote);

23 (12) a motion to overturn an adverse committee report

24 (three-fifths of the members voting);

25 (13) a motion to rerefer a bill from one committee to

1 another (three-fifths of the members present and voting);

2 (14) a motion to withdraw a bill from a committee

3 (three-fifths of the members present and voting);

4 (15) a motion to add legislation to the second or third

5 reading agenda (three-fifths of the members present and

6 voting);

7 (16) any motion to remove legislation from its normal

8 progress through the House as provided under these rules and

9 reassign it unless otherwise specifically provided by these

10 rules (three-fifths of the members present and voting);

11 (17) a motion to change a vote (unanimous);

12 (18) a motion to call for cloture (three-fifths of the

13 members present and voting); and

14 (19) a motion to approve leave with cause during a call

15 of the house (two-thirds of the members present and voting).

16 **H50-160. Reconsideration.** (1) Any representative may,

17 within 1 legislative day of a vote, move to reconsider the

18 House vote on any matter still within the control of the

19 House.

20 (2) A motion for reconsideration, unless tabled or

21 replaced by a substitute motion, must be disposed of when

22 made.

23 (3) When a motion for reconsideration fails, the

24 question is finally settled. A motion for reconsideration

25 may not be renewed or reconsidered.

(4) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the same rules.

H50-170. Renewing procedural motions. The House may renew a procedural motion if further House business has intervened.

H50-180. Tabling. (1) Under Order of Business NO. 9, a representative may move to table any question, motion, or legislation before the House except the question of a quorum or a call of the House. The motion is nondebatable and may not be amended.

(2) When a matter has been tabled, a representative may move to take it from the table under Order of Business No. 9 on any legislative day.

H50-190. Indefinite postponement. A majority of representatives may indefinitely postpone any matter properly before the House.

H50-200. Voting. (1) The representatives shall vote to decide any motion or question properly before the House. Each representative has one vote.

(2) The House may, without objection, use a voice vote on procedural motions that are not required to be recorded in the journal. If a representative rises and objects, the House shall record the vote.

(3) The House shall record the vote on all substantive

questions. If the voting system is inoperable, the Chief Clerk shall record the representatives' votes by other means.

H50-210. Changing a vote. (1) A representative may move to change his vote within 1 legislative day of the vote. The motion is nondebatable. A unanimous House shall consent to the change. The representative making the motion shall first specify the question and the original vote tally.

(2) An error caused by a malfunction of the voting system may be corrected without a vote.

H50-220. Pairs. (1) An excused representative may file a pairing slip to vote on any pairable vote during the excused absence.

(2) An excused representative shall sign a pairing slip that specifies the motion and the desired vote. One representative desiring to vote on the opposite side of the motion shall also sign the pairing slip and may not vote in any other manner on the motion.

(3) The pairing slip must be handed in at the rostrum by the party whip or designated representative before voting on the motion has commenced.

(4) The pair may be revoked before the vote with the approval of both paired representatives.

(5) Two representatives on either side of the question

1 may pair on a motion requiring other than a majority vote.

2 H50-230. Recess. The House may stand at ease or, by
3 majority vote, may recess under any order of business. The
4 recess may be ended at the call of the chair or at a time
5 specified.

6 H50-240. Adjournment for a legislative day. (1) A
7 representative may move that the House adjourn for that
8 legislative day. The motion is nondebatable and may be made
9 under any order of business except Order of Business No. 7.

10 (2) A motion to adjourn for a legislative day must
11 specify a date and time for the House to convene on the
12 subsequent legislative day.

13 H50-250. Adjournment sine die. A representative may
14 move that the House adjourn for the session. The motion is
15 nondebatable and may be made under any order of business
16 except Order of Business No. 7.

17 Chapter 6

18 Rules

19 H60-10. House rules. (1) The House may adopt, through
20 a House resolution passed by a majority of its members,
21 rules to govern its proceedings.

22 (2) After adoption of the House rules, two-thirds of
23 the representatives must vote in favor of the question to
24 amend the rules.

25 (3) The Speaker shall refer to the House Rules

1 Committee all resolutions for House rules.

2 (4) The House Rules Committee shall report all
3 resolutions for House rules within 1 legislative day of
4 referral.

5 H60-20. Tenure of rules. Rules adopted by the House
6 remain in effect until removed by House resolution or until
7 a new House is elected and takes office.

8 H60-30. Suspension of rules. The House may suspend a
9 House rule by a two-thirds vote.

10 H60-40. Supplementary rules. Mason's Manual of
11 Legislative Procedure (1989) governs House proceedings in
12 all cases not covered by House rules.

13 H60-50. Interpreting rules. The Speaker shall
14 interpret all questions on House rules, subject to appeal by
15 any fifteen representatives to the House Rules Committee.
16 The decision of the House Rules Committee may be appealed to
17 the House by any representative.

18 H60-60. Joint rules superseded. A House rule, insofar
19 as it relates to the internal proceedings of the House,
20 supersedes a joint rule.

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON RULES

Call to Order: By Chairman Harper, on January 4, 1989 at 2:15 PM.

ROLL CALL

Members Present: Rep. Hal Harper, Rep. Kelly Addy, Rep. Dave Brown, Rep. Jerry Driscoll, Rep. John Mercer, Rep. Jack Ramirez.

Members Excused: Rep. John Vincent

Members Absent: Rep. Joe Quilici, Rep. Tom Hannah, Rep. Dennis Iverson

Staff Present: Mary Kelly McCue, Legislative Council and Bobby Spilker, Minority Leader Aide

The Committee reviewed and discussed Draft House Resolution LC1205, A Resolution of the House of Representatives of the State of Montana to Adopt Rules to Govern its Proceedings. The following rules were discussed:

Page 8 - [H20-50] Approved

Page 9 - [H30-10] Approved

Page 11 - [H30-60] Approved
 [H40-10] (2) Changed to insert "legislative" between 5 and days on line 2. Approved

Page 12 - [40-30] (1) Approved
 (2) Insert "or delete" following the words 'chief sponsor may add' on line 3, delete 'an additional' at the end of line 3, and strike 'The addition of a sponsor', replace with "This filing" in line 4. (Requested help on language here from LC.)

Page 13 - [H40-40] (2) Approved
 (3) Approved

Page 14 - [H40-80] Approved
 [H40-90] Mercer has problems with this. No action.
 [H40-100] (2) Approved

Page 15 - [H40-120] Add section "(2) A motion to add legislation to the second or third reading agenda required a three-fifths vote."

[H40-130] (4) Approved

Page 18 - [H40-160] (2) Motion by Addy to change line 1 '1 hour' to "45 minutes" passed. Ramirez and Brown vote no.

Page 17 - [H40-150] Add section (h) to provide "pass consideration or change order of consideration of the day." Language to be provided by LC.

Page 23 - [H30] Driscoll, Mercer and Brown with staff will work on this section about Call Of The House.

Page 24 - [H50-150] Approved

Page 28 - [H50-140] Approved

Page 29 - [H50-150] Amend (9) by inserting "proposed amendments" in place of 'to amend'.

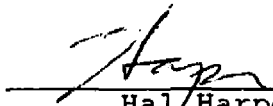
MOTION BY REP. ADDY: Proposed House Resolution, (LC1205) to establish House Rules, be recommended "Do Pass" as amended, and when the final resolution is drafted and introduced, it be recommended "Do Pass".

Motion passed, with Rep. Addy, Brown, Driscoll, Harper and Ramirez voting "yes", Rep. Mercer voting "no".

Adjournment At: 3:25 PM

HH/kt

0313.min


Hal Harper, Chairman

HOUSE RULES COMMITTEE

ROLL CALL

DATE: June 4, 1989
ROOM: 343
TIME: 2:15 P.M.

	PRESENT	ABSENT	EXCUSED	
HARPER, Hal (D), Chairman	✓			
VINCENT, John (D), Vice Chair			✓	
ADDY, Kelly (D)	✓			
BROWN, Dave (D)	✓			
DRISCOLL, Jerry, (D)	✓			
QUILICI, Joe (D)		✓		
HANNAH, Tom (R)		✓		
IVERSON, Dennis (R)		✓		
MERCER, John (R)	✓			
RAMIREZ, Jack (R)	✓			

ROLL CALL VOTE

HOUSE COMMITTEE RULES

DATE January 4, 1989

BILL NO. Draft HR L1205

TIME 3:20 PM

[illegible]

Kay Turman

Hal Harper

Secretary

Chairman

Motion: Rep. Addy: "Proposed House Resolution LC1205, to establish House Rules, be recommended "Do Pass" as amended, and when the final resolution is drafted and introduced, it be recommended "Do Pass".

STANDING COMMITTEE REPORT

January 10, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Rules report that House Resolution 01 (first reading copy -- white) do pass.

Signed: _____
Hal Harper, Chairman

EIGHTH LEGISLATIVE DAY

Helena, Montana
January 10, 1989

House Chambers
State Capitol

House convened at 1:30 p.m., Mr. Speaker in the Chair. Invocation by Representative Lee. Pledge of Allegiance to the Flag.

Roll call. All members present except Smith, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/10/89
Correctly engrossed: HB 7.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Bachini, Chairman): 1/9/89

HB 18, introduced bill, be amended as follows:

1. Title: line 7.
Following: "AN"
Insert: "IMMEDIATE"

2. Page 2, line 1.
Strike: "July 1, 1989"
Insert: "on passage and approval"

And, as amended, do pass and be placed on consent calendar. Report adopted.

HUMAN SERVICES AND AGING (Hansen, Chairman): 1/9/89
HB 33, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "REQUIRING"
Insert: "ALLOWING"

2. Title, lines 5 and 6.
Strike: "CHIROPRACTOR IF THE CLAIMANT'S TREATING
PHYSICIAN IS A CHIROPRACTOR"
Insert: "DOCTOR OF CHIROPRACTIC"

3. Page 2, line 18.
Strike: "chiropractor"
Insert: "doctor of chiropractic"

4. Page 3, line 11.
Strike: "a physician"
Insert: "an evaluator"

5. Page 4, lines 22 through 24.
Strike: "except that if the claimant's treating physician is a chiro-
practic physician, the evaluator must be a chiropractic physician"
Insert: "or a doctor of chiropractic"

6. Page 4, line 25.
Following: "chapter 12"
Strike: ", and"
Insert: ". If the evaluator is a doctor of chiropractic, he"

7. Page 5, line 1.
Strike: "that"
Following: "chapter"

Insert: "12"

And, as amended, do pass. Report adopted.

HB 80, do pass. Report adopted.

JUDICIARY (D. Brown, Chairman): 1/9/89

HB 38, do pass and be placed on consent calendar. Report adopted.

RULES (Harper, Chairman): 1/10/89

HR 1, do pass. Report adopted.

STATE ADMINISTRATION (J. Brown, Chairman): 1/9/89

HB 5, do pass. Report adopted.

HB 43, do pass. Report adopted.

HB 71, do pass. Report adopted. 1/10/89

HJR 4, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committees:

HB 101, introduced by Daily, Quilici, Harrington, referred to Committee on State Administration

HB 102, introduced by Addy, referred to Committee on Human Services and Aging

HB 103, introduced by Whalen, referred to Committee on Judiciary

HB 104, introduced by Whalen, Menahan, Daily, Strizich, Driscoll, Pavlovich, referred to Committee on Judiciary

HB 105, introduced by Ellison, referred to Committee on Local Government

HB 106, introduced by Spaeth, referred to Committee on State Administration

HB 107, introduced by Spaeth, referred to Committee on Judiciary

HB 108, introduced by Whalen, referred to Committee on Judiciary

HR 1, introduced by Harper (by request of the House Committee on Rules), referred to Committee on Rules

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Harper moved the House resolve itself into a Committee of the Whole for the consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 16 - Representative Boharski moved **HB 16** be placed at the bottom of the second reading board. Motion carried.

HB 37 - Representative Cohen moved **HB 37** do pass.

Representative Mercer moved **HB 37** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 54 - Representative Hanson moved **HB 54** do pass. Motion carried as follows:

Ayes: Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton,

APPROVED BY COMMITTEE
ON RULESHOUSE RESOLUTION NO. 1INTRODUCED BY Hager

BY REQUEST OF THE HOUSE COMMITTEE ON RULES

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF
MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
OF MONTANA:

That the following rules be adopted:

Chapter 1

Administration

H10-10. House officers. (1) House officers include a
Speaker, a Speaker pro tempore, majority and minority floor
leaders, and majority and minority whips (section 5-2-221,
MCA).

(2) A majority of representatives voting elects the
Speaker and Speaker pro tempore from the House membership. A
majority of each caucus voting nominates House members to
the remaining offices, and those nominees are considered to
have been elected by a majority vote of the House.

H10-20. Speaker's duties. (1) The Speaker is the
presiding officer of the House, with authority for
administration, order, and decorum.

(2) The Speaker may order the galleries or lobbies

There are no changes in HR 1, & will not be re-run.

Please refer to white copy for complete text.

NINTH LEGISLATIVE DAY

Helena, Montana
January 11, 1989

House Chambers
State Capitol

House convened at 1:33 p.m., Mr. Speaker in the Chair. Invocation by Representative Stickney. Pledge of Allegiance to the Flag.

Roll call. All members present except Grady, Menahan, Owens, Peterson, and Russell, excused. Quorum present.

Mr. Speaker: We, your Committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fourth, fifth, sixth, and seventh legislative days, find the same to be correct.

Menahan, Chairman

COMMUNICATIONS AND PETITIONS

Speaker Vincent requested members submit amendment requests to the amendment coordinator as early as possible before second reading to facilitate preparation.

Speaker Vincent assured House members it is his policy to protect the integrity of every amendment requested. Unless the amendment sponsor requests otherwise, no other member will have access to an amendment until the amendment is read across the rostrum and placed before the body for consideration.

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/11/89
Correctly printed: HB 5, HB 18, HB 33, HB 38, HB 43, HB 71,
HB 80, HJR 4, HR 1.
Correctly engrossed: HB 16, HB 37.

LOCAL GOVERNMENT (Darko, Chairman): 1/10/89
HB 22, do pass. Report adopted.
HB 67, introduced bill, be amended as follows:

1. Title, line 7.

Following: line 6

Insert: "CLARIFYING THAT THE BUDGET BE KEPT WITH
MUNICIPAL RECORDS;"

2. Page 2, line 4.

Following: "council."

Insert: "The clerk shall keep a copy of the budget with the resolution
in the official records of the municipality."

And, as amended, do pass. Report adopted.

HB 68, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "5"

Insert: "3"

Following: "YEARS"

Insert: "WITH AN OPTION TO EXTEND THE CONTRACT AN
ADDITIONAL 2 YEARS"

2. Page 1, line 17.

Strike: "5"

Absent or not voting: D. Brown.

Total 1

HJR 4 - Representative Grinde moved HJR 4 do pass. Motion carried as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeBruycker, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grinde, Guthrie, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Pavlovich, Peck, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Hannah.

Total 1

Excused: Grady, Menahan, Owens, Peterson, Russell.

Total 5

Absent or not voting: None.

Total 0

HR 1 - Representative Harper moved HR 1, second reading copy, be amended as follows:

1. Page 8, line 12.

Strike: "Speaker"

Insert: "presiding officer"

2. Page 10, line 18.

Following: line 18

Insert: "(2) The committee may recommend that a bill on which it has made a favorable recommendation by unanimous vote be placed on the consent calendar."

Renumber: subsequent subsections

3. Page 12, line 21.

Following: "must be noted"

Insert: "by the chief clerk"

4. Page 14, line 23.

Following: line 23

Insert: "H40-110. Consent calendar procedure. Noncontroversial bills and simple and joint resolutions may be recommended for the consent calendar by a standing committee and processed according to the following provisions:

(1) To be eligible for the consent calendar, the legislation must receive unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must be made and passed unanimously to place the legislation on the consent calendar and this action reflected in the committee report. Appropriation or revenue bills may not be recommended for the consent calendar.

(2) The legislation must then be sent to be processed and reproduced as a third reading version and specifically marked as a "consent calendar" item.

(3) Legislation must be posted immediately (as soon as it is received as a third reading version) on the consent calendar and must remain there for 1 legislative day before consideration under Order of Business No. 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent calendar and allow "reasonable time" for questions and answers upon request. No debate is allowed.

(4) If any three representatives submit written objections to the placement of the legislation on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.

(5) Consent calendar legislation will be considered on Order of Business No. 8, third reading of bills, following the regular third reading agenda.

(6) Legislation on the consent calendar must be considered individually with the roll call vote spread on the journal as the final vote in the House.

(7) Legislation passed on the consent calendar must then be transmitted to the Senate."

Renumber: subsequent sections

5. Page 29, line 4.

Following: "two-thirds"

Insert: "of the members voting"

6. Page 29, line 9.

Following: "two-thirds"

Insert: "of each house"

7. Page 30, line 12.

Strike: "three-fifths"

Insert: "two-thirds"

8. Page 33, line 23.

Following: "representatives"

Insert: "voting"

9. Page 34, line 9.

Strike: "by a two-thirds vote"

Insert: "on a motion approved by not less than two-thirds of the members voting"

Amendment passed as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeBruycker, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grinde, Guthrie, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Pavlovich, Peck, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang,

Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: Grady, Menahan, Owens, Peterson, Russell.

Total 5

Absent or not voting: Cobb.

Total 1

Representative Harper moved HR 1, as amended, do pass. Motion carried as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Glaser, Good, Grinde, Guthrie, Hansen, Hanson, Harper, Harrington, Hayne, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Koehnke, Marks, McCormick, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Pavlovich, Peck, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Russell, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Cobb, DeBruycker, Giacometto, Gilbert, Gould, Hannah, Hoffman, Knapp, Lee, Phillips.

Total 10

Paired: Menahan, Russell, Ayes; Cobb, Gould, Noes.

Excused: Grady, Owens, Peterson.

Total 3

Absent or not voting: None.

Total 0

Representative Harper moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Rehberg moved the adoption of the committee report. Report adopted. (88-5)

Representative Harper moved the House recess until 3:45 p.m. Motion carried.

House recessed at 2:45 p.m.

House reconvened at 4:15 p.m.

Representative R. Nelson was excused at this time.

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

1/11/89

HB 65, introduced by Bardanouve

HOUSE RESOLUTION NO. 1

INTRODUCED BY HARPER

BY REQUEST OF THE HOUSE COMMITTEE ON RULES

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF
MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
OF MONTANA:

That the following rules be adopted:

Chapter 1

Administration

H10-10. House officers. (1) House officers include a Speaker, a Speaker pro tempore, majority and minority floor leaders, and majority and minority whips (section 5-2-221, MCA).

(2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the House membership. A majority of each caucus voting nominates House members to the remaining offices, and those nominees are considered to have been elected by a majority vote of the House.

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, and decorum.

(2) The Speaker may order the galleries or lobbies

cleared in case of disturbance or disorderly conduct.

(3) The Speaker shall appoint and may remove the members of all standing and select committees not otherwise specified by law or rule.

(4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals (section 5-11-201, MCA), subpoenas, and payrolls.

(5) The Speaker shall arrange the agendas for second and third readings each legislative day. Representatives may amend the agendas as provided in H40-120.

(6) The Speaker is the chief administrative officer of the House, with authority for supervising all House employees. The Speaker may seek the advice and counsel of the Legislative Administration Committee regarding employees.

H10-30. Speaker-elect. During the transition period between the party organization caucuses and the election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the House (section 5-2-202, MCA). Authority includes approving presession expenditures.

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall act as the presiding officer in the absence of the Speaker and shall carry out other duties assigned by the

1 Speaker.

2 **H10-50. Legislative Administration Committee duties.**

3 (1) The Legislative Administration Committee shall consider
4 matters relating to legislative administration, staffing
5 patterns, budgets, equipment, operations, and expenditures.

6 (2) The committee shall have authority to act in the
7 interim to prepare for future legislative sessions. It may
8 delegate specific duties to a legislative agency.

9 (3) The committee shall approve contracts for purchase
10 or lease of equipment and supplies for the House, subject to
11 the approval of the Speaker.

12 (4) The committee shall comprise the House membership
13 of the Joint Legislative Administration Committee.

14 **H10-60. Employees.** (1) The Speaker shall appoint a
15 Chief Clerk, Sergeant-at-Arms, and Chaplain, subject to
16 confirmation of the House (section 5-2-221, MCA).

17 (2) The Speaker shall recommend to the Legislative
18 Administration Committee employment of necessary staff.

19 (3) The secretary for a standing or select committee
20 is generally responsible to the committee chairman but shall
21 work under the direction of the Chief Clerk.

22 (4) The Speaker and majority and minority floor
23 leaders may each appoint a private secretary.

24 **H10-70. Chief Clerk's duties.** The Chief Clerk, under
25 the supervision of the Speaker, is responsible to:

1 (1) have custody of all records and documents of the
2 House;

3 (2) supervise the handling of legislation in the
4 House, the House journal, and other House publications;
5 deliver to the Secretary of State at the close of each
6 session the House journal, bill and resolution records, and
7 all original House bills and joint resolutions; collect
8 minutes and exhibits from all House committees and
9 subcommittees and deliver them, unbound, to the Legislative
10 Council librarian who will arrange to have them copied on
11 microfilm. A microfilm copy will be provided to the
12 Legislative Council and the Montana State Law Library. The
13 Legislative Fiscal Analyst will receive a microfilm copy of
14 the minutes from the appropriation committee and
15 subcommittees. After microfilming, the original minutes
16 will be delivered to the Montana Historical Society.

17 **H10-80. Sergeant-at-Arms duties.** The Sergeant-at-Arms,
18 under the supervision of the Speaker, has the responsibility
19 to:

20 (1) maintain order under the direction of the
21 presiding officer;

22 (2) execute commands and serve all processes of the
23 House; and

24 (3) receive, distribute, and have custody of House
25 supplies and equipment.

1 H10-90. Legislative aides. (1) A legislative aide is a
 2 person specifically designated by a representative to assist
 3 that representative in performing legislative duties. A
 4 representative may sponsor one legislative aide a session by
 5 written notification to the Sergeant-at-Arms.

6 (2) No representative may designate a second
 7 legislative aide in the same session without the approval of
 8 the House Rules Committee.

9 (3) A legislative aide must be of legal age unless
 10 otherwise approved by the House Rules Committee.

11 (4) The Sergeant-at-Arms shall issue distinctive
 12 identification tags to legislative aides. The cost must be
 13 paid by the sponsoring representative.

14 H10-100. Legislative interns. A legislative intern is
 15 a person designated under Title 5, chapter 6, MCA.

16 H10-110. House journal. (1) The House shall keep a
 17 journal, which is the official record of House actions
 18 (Montana Constitution, Art. V, Sec. 10). The journal must
 19 be prepared under the direction of the Speaker.

20 (2) Records of the following proceedings must be
 21 entered on the journal:

22 (a) the taking and subscription of the constitutional
 23 oath by representatives (Montana Constitution, Art. III,
 24 Sec. 3; 5-2-214);

25 (b) committee reports;

1 (c) messages from the Governor;

2 (d) messages from the Senate;

3 (e) every motion, the name of the representative
 4 presenting it, and its disposition;

5 (f) the introduction of legislation in the House;

6 (g) consideration of legislation subsequent to
 7 introduction;

8 (h) on final passage of legislation, the names of the
 9 representatives and their vote on the question (Montana
 10 Constitution, Art. V, Sec. 11);

11 (i) roll call votes; and

12 (j) upon a request by two representatives before a
 13 vote is taken, the names of the representatives and their
 14 votes on the question.

15 (3) The Chief Clerk shall provide to the Legislative
 16 Council such information as may be required for the
 17 publication of the daily journal. Upon approval by the
 18 Speaker, the daily journal shall be reproduced and
 19 distributed.

20 (4) Any representative may examine the daily journal
 21 and propose corrections. The speaker may direct a correction
 22 to be made when suggested subject to objection by the House.

23 (5) The Speaker shall authenticate the House journal
 24 after the close of the session (section 5-11-201, MCA).

25 (6) The Legislative Council shall publish and

1 distribute the House journal (sections 5-11-202 and
2 5-11-203, MCA). The title of each bill must be listed in the
3 index of the published session journal.

4 **H10-120. Votes recorded and public.** Every vote of each
5 representative on each substantive question in the House, in
6 any committee, or in committee of the whole must be recorded
7 and made public (Montana Constitution, Art. V, Sec. 11).

8 **H10-130. Duration of legislative day.** A legislative
9 day ends either 24 hours after the House convenes for that
10 day or at the time the House convenes for the following
11 legislative day, whichever is earlier.

12 Chapter 2

13 Decorum

14 **H20-10. Questions of order and privilege. (1)**
15 Questions of order and privilege, in order of precedence,
16 are:

17 (a) those affecting the collective rights, safety,
18 dignity, and integrity of the House; and

19 (b) those affecting the rights, reputation, and
20 conduct of individual representatives.

21 (2) The Speaker shall decide all questions of order
22 and privilege, subject to an appeal by any representative
23 seconded by two representatives.

24 **H20-20. Limits on lobbying.** Lobbying on the House
25 floor and in the anteroom is prohibited during a daily

1 session, 2 hours before the session, and 2 hours after the
2 session.

3 **H20-30. Admittance to the House floor.** The following
4 persons may be admitted to the House floor during a daily
5 session: present and former legislators; legislative
6 employees necessary for the conduct of the session;
7 accredited news staff; and members' spouses and children.
8 The Speaker may allow exceptions to this rule.

9 **H20-40. Dilatory motions or questions.** The House has a
10 right to protect itself from dilatory motions or questions
11 used for the purpose of delaying or obstructing business.
12 The Speaker PRESIDING OFFICER shall decide if motions
13 (except a call of the House) or questions are dilatory.
14 This decision may be appealed to the House.

15 **H20-50. Opening and order of business.** The opening of
16 each legislative day must include an invocation, the pledge
17 of allegiance, and roll call. Following the opening, the
18 order of business of the House is as follows:

- 19 (1) communications and petitions;
- 20 (2) reports of standing committees;
- 21 (3) reports of select committees;
- 22 (4) messages from the Senate;
- 23 (5) messages from the Governor;
- 24 (6) first reading and commitment of bills;
- 25 (7) second reading of bills;

- (8) third reading of bills;
- (9) motions;
- (10) unfinished business;
- (11) special orders of the day; and
- (12) announcement of committee meetings.

H20-60. Lobbying by employees. (1) A legislative employee, intern, or aide of either house is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

(2) The Speaker or the Legislative Administration Committee may discipline or discharge any House employee violating this prohibition. The Speaker or the committee may withdraw the privileges of any House aide or intern violating this prohibition.

H20-70. Papers distributed on desks. A paper concerning proposed legislation may not be placed on representatives' desks unless it is signed and permission has been granted by the Speaker. The Sergeant-at-Arms shall direct its distribution.

Chapter 3

Committees

H30-10. House standing committees. The following are the House standing committees: Agriculture, Livestock, and Irrigation; Appropriations; Business and Economic Development; Education and Cultural Resources; Fish and

Game; Highways and Transportation; Human Services and Aging; Judiciary; Labor and Employment Relations; Legislative Administration; Local Government; Natural Resources; Rules; State Administration; and Taxation.

H30-20. Chairman's duties. The chairman of a committee is the presiding officer of that committee and is responsible for maintaining order within the committee room and its environs, scheduling hearings and executive action, supervising committee work, and certifying committee reports and minutes.

H30-30. Officers as members. The Speaker, majority leader, and minority leader are ex officio, nonvoting members of all House committees. They are not required to be considered in the quorum, but they may count toward establishing a quorum.

H30-40. Committee action. (1) When legislation is referred to a committee, it may recommend approval or disapproval, with or without amendment.

(2) THE COMMITTEE MAY RECOMMEND THAT A BILL ON WHICH IT HAS MADE A FAVORABLE RECOMMENDATION BY UNANIMOUS VOTE BE PLACED ON THE CONSENT CALENDAR.

(3) The committee may not report a bill to the House without recommendation.

(4) If a bill is withdrawn from a committee and brought to the House floor without a committee

1 recommendation, the bill must include amendments formally
2 adopted by committee action as reflected in committee
3 minutes for debate on second reading.

4 **H30-50. Reconsideration in committee.** Except for the
5 Committee of the Whole, a committee may at any time prior to
6 submitting a report to the Chief Clerk reconsider its
7 previous action on legislation.

8 **H30-60. Legislation requested by a committee.** At least
9 two-thirds of all the representatives of a standing
10 committee must have voted in favor of the question to allow
11 the committee to request the drafting or introduction of
12 legislation. Votes requesting drafting and introduction of
13 committee legislation may be taken jointly or separately.

14 **H30-70. Rules committee makeup.** The Speaker will
15 determine the total number of members and the party
16 division, but each party will appoint its own members.

17 Chapter 4

18 Legislation

19 **H40-10. Introduction deadlines.** (1) Except as provided
20 in subsection (2), if a representative accepts drafted
21 legislation from the Legislative Council after the deadline
22 for introduction, the representative may not introduce that
23 legislation after 48 hours from the time the bill was
24 accepted from the Legislative Council.

25 (2) No bill or resolution may be introduced any later

1 than 5 p.m. 5 legislative days prior to the appropriate
2 transmittal deadline.

3 **H40-20. House resolutions.** (1) A House resolution is
4 used to adopt or amend House rules, make recommendations on
5 the districting and apportionment plan (Montana
6 Constitution, Art. V, Sec. 14), express the sentiment of the
7 House, or assist House operations.

8 (2) As to drafting, introduction, and referral, a
9 House resolution is treated as a bill. Final passage of a
10 House resolution is determined by the Committee of the Whole
11 report. A House resolution does not progress to third
12 reading.

13 (3) The Chief Clerk shall transmit a copy of each
14 passed House resolution to the Senate and the Secretary of
15 State.

16 **H40-30. Cosponsors.** (1) Prior to submitting
17 legislation to the Chief Clerk for introduction, the chief
18 sponsor may add representatives and senators as cosponsors
19 by having them sign the three copies.

20 (2) After legislation is submitted for introduction
21 but before the legislation returns from the first House
22 committee, the chief sponsor may add or remove cosponsors by
23 filing a cosponsor form with the Chief Clerk. This filing
24 must be noted BY THE CHIEF CLERK for the record on Order of
25 Business No. 11.

1 **H40-40. Introduction.** (1) During a session, proposed
 2 House legislation may be introduced in the House by
 3 submitting it in triplicate, endorsed with the signature of
 4 a representative as chief sponsor, to the Chief Clerk for
 5 introduction. In each session of the Legislature, the
 6 proposed legislation must be numbered consecutively by type
 7 in the order of receipt. Submission and numbering of
 8 properly endorsed legislation constitutes introduction.

9 (2) Preintroduction of legislation prior to a session
 10 under provisions of the joint rules constitutes introduction
 11 in the House.

12 (3) Acknowledgment by the Chief Clerk of receipt of
 13 legislation transmitted from the Senate for consideration by
 14 the House constitutes introduction of the Senate legislation
 15 in the House.

16 **H40-50. First reading.** Legislation properly introduced
 17 or received in the House must be announced across the
 18 rostrum and public notice provided. This announcement
 19 constitutes first reading, and no debate or motion is in
 20 order except that a representative may question adherence to
 21 rules.

22 **H40-60. One reading per day.** Except on the final
 23 legislative day, legislation may receive no more than one
 24 reading per legislative day. On the final legislative day,
 25 legislation may receive more than one reading.

1 **H40-70. Referral.** (1) The Speaker shall refer to a
 2 House committee all properly introduced House legislation
 3 and transmitted Senate legislation.

4 (2) Legislation may not receive final passage and
 5 approval unless it has been referred to a House committee.

6 **H40-80. Rereferral.** Legislation that is in the
 7 possession of the House and that has not been killed may be
 8 rereferred to a House committee by House motion approved by
 9 not less than three-fifths of the members present and
 10 voting.

11 **H40-90. Legislation withdrawn from committee.**
 12 Legislation may be withdrawn from a House committee by House
 13 motion approved by not less than three-fifths of the members
 14 present and voting.

15 **H40-100. Standing committee reports.** (1) A House
 16 standing committee recommendation of "do pass" or "be
 17 concurred in" must be announced across the rostrum and, if
 18 there is no objection to form, is considered adopted.

19 (2) A recommendation of "do not pass" or "be not
 20 concurred in" must be announced across the rostrum and, on
 21 the following legislative day, may be debated and adopted or
 22 rejected on Order of Business No. 2. A motion to reject an
 23 adverse committee report must be approved by not less than
 24 three-fifths of the members voting.

25 (3) If the House rejects an adverse committee report,

1 the bill progresses to second reading, as scheduled by the
2 Speaker, with any amendments recommended by the committee.

3 H40-110. CONSENT CALENDAR PROCEDURE. NONCONTROVERSIAL
4 BILLS AND SIMPLE AND JOINT RESOLUTIONS MAY BE RECOMMENDED
5 FOR THE CONSENT CALENDAR BY A STANDING COMMITTEE AND
6 PROCESSED ACCORDING TO THE FOLLOWING PROVISIONS:

7 (1) TO BE ELIGIBLE FOR THE CONSENT CALENDAR, THE
8 LEGISLATION MUST RECEIVE A UNANIMOUS VOTE BY THE MEMBERS OF
9 THE STANDING COMMITTEE IN ATTENDANCE (DO PASS, DO PASS AS
10 AMENDED). IN ADDITION, A MOTION MUST BE MADE AND PASSED
11 UNANIMOUSLY TO PLACE THE LEGISLATION ON THE CONSENT CALENDAR
12 AND THIS ACTION REFLECTED IN THE COMMITTEE REPORT.
13 APPROPRIATION OR REVENUE BILLS MAY NOT BE RECOMMENDED FOR
14 THE CONSENT CALENDAR.

15 (2) THE LEGISLATION MUST THEN BE SENT TO BE PROCESSED
16 AND REPRODUCED AS A THIRD READING VERSION AND SPECIFICALLY
17 MARKED AS A "CONSENT CALENDAR" ITEM.

18 (3) LEGISLATION MUST BE POSTED IMMEDIATELY (AS SOON AS
19 IT IS RECEIVED AS A THIRD READING VERSION) ON THE CONSENT
20 CALENDAR AND MUST REMAIN THERE FOR 1 LEGISLATIVE DAY BEFORE
21 CONSIDERATION UNDER ORDER OF BUSINESS NO. 11, SPECIAL ORDERS
22 OF THE DAY. AT THAT TIME, THE PRESIDING OFFICER SHALL
23 ANNOUNCE CONSIDERATION OF THE CONSENT CALENDAR AND ALLOW
24 "REASONABLE TIME" FOR QUESTIONS AND ANSWERS UPON REQUEST. NO
25 DEBATE IS ALLOWED.

1 (4) IF ANY THREE REPRESENTATIVES SUBMIT WRITTEN
2 OBJECTIONS TO THE PLACEMENT OF THE LEGISLATION ON THE
3 CONSENT CALENDAR, THE LEGISLATION MUST BE REMOVED FROM THE
4 CONSENT CALENDAR AND ADDED TO THE REGULAR SECOND READING
5 BOARD.

6 (5) CONSENT CALENDAR LEGISLATION WILL BE CONSIDERED ON
7 ORDER OF BUSINESS NO. 8, THIRD READING OF BILLS, FOLLOWING
8 THE REGULAR THIRD READING AGENDA.

9 (6) LEGISLATION ON THE CONSENT CALENDAR MUST BE
10 CONSIDERED INDIVIDUALLY WITH THE ROLL CALL VOTE SPREAD ON
11 THE JOURNAL AS THE FINAL VOTE IN THE HOUSE.

12 (7) LEGISLATION PASSED ON THE CONSENT CALENDAR MUST
13 THEN BE TRANSMITTED TO THE SENATE.

14 H40-120. Legislation requiring other than a majority
15 vote. Legislation that requires other than a majority vote
16 for final passage needs only a majority vote for any action
17 that is taken prior to final passage and that normally
18 requires a majority vote.

19 H40-130. Amending House second and third reading
20 agendas. (1) A majority of representatives present may
21 rearrange or remove legislation from either the second or
22 third reading agenda on that legislative day.

23 (2) Legislation may be added to the second or third
24 reading agenda on that legislative day on a motion approved
25 by not less than three-fifths of the members present and

1 voting.

2 **H40-140. Second reading.** (1) Legislation returned from
3 committee may be placed on second reading unless otherwise
4 ordered by the House.

5 (2) The House shall form itself into a Committee of
6 the Whole to consider business on second reading. The
7 Committee of the Whole may debate legislation, attach
8 amendments, and recommend approval or disapproval of
9 legislation.

10 (3) Except on the final legislative day, at least 1
11 legislative day must elapse between the time legislation is
12 reported from committee and the time it is considered on
13 second reading.

14 (4) If a motion to recommend that a bill "do pass" or
15 "be concurred in" fails in the Committee of the Whole, the
16 obverse, i.e., a recommendation that the bill "do not pass"
17 or "be not concurred in", is considered to have passed.

18 (5) An amendment attached to legislation by the
19 Committee of the Whole remains unless removed by further
20 legislative action.

21 (6) When the Committee of the Whole reports to the
22 House, the House shall adopt or reject the Committee of the
23 Whole report. If the House rejects the Committee of the
24 Whole report, the legislation remains on second reading, as
25 amended by the Committee of the Whole, unless the House

1 orders otherwise.

2 (7) A representative may move to segregate legislation
3 from the Committee of the Whole report before the report is
4 adopted. Segregated legislation, as amended by the Committee
5 of the Whole, must be placed on second reading unless the
6 House orders otherwise.

7 **H40-150. Amendments in the Committee of the Whole.** (1)
8 All Committee of the Whole amendments must be checked by the
9 House amendments coordinator for format, style, clarity,
10 consistency, and other factors, in accordance with the most
11 recent Bill Drafting Manual published by the Legislative
12 Council, before the amendment may be accepted at the
13 rostrum. The amendment form must include the date and time
14 the amendment is submitted for that check.

15 (2) An amendment submitted to the rostrum for
16 consideration by the Committee of the Whole must be marked
17 as checked by the amendments coordinator and signed by a
18 representative.

19 (3) A copy of every amendment rejected by the
20 Committee of the Whole must be kept as part of the official
21 records.

22 **H40-160. Motions in the Committee of the Whole.** (1)
23 When the House resolves itself into a Committee of the
24 Whole, the only motions in order are to:

25 (a) amend;

1 (b) recommend passage or nonpassage;
 2 (c) recommend concurrence or nonconcurrence;
 3 (d) indefinitely postpone;
 4 (e) pass consideration;
 5 (f) call for cloture;
 6 (g) rise, rise and report, or rise and report progress
 7 and beg leave to sit again; and
 8 (h) to change the order in which legislation is placed
 9 on the agenda.
 10 (2) Subsections (1)(e) through (1)(g) are nondebatable
 11 but may be amended.
 12 (3) If a quorum of representatives is not present
 13 during second reading, the Committee of the Whole may
 14 conduct no business on legislation and a motion for a call
 15 of the House without a quorum is in order.
 16 **H40-170. Limits on debate in the Committee of the**
 17 **Whole.** (1) Except for the representative who makes a motion,
 18 no representative may speak more than once on the motion and
 19 for no more than 5 minutes. The representative who makes
 20 the motion may have 5 minutes to close.
 21 (2) After at least two proponents and two opponents
 22 have spoken on a question and 45 minutes have elapsed, a
 23 motion to call for cloture is in order. Approval by not less
 24 than two-thirds of the members present and voting is
 25 required to sustain a motion for cloture. Notwithstanding

1 the passage of a motion to end debate, the sponsor of the
 2 motion on which debate was ended may close.
 3 (3) By previous agreement of the Speaker and the
 4 minority floor leader, a bill or resolution may be allocated
 5 a predetermined amount of time for debate and number of
 6 speakers.
 7 **H40-180. Special provisions for debate on the general**
 8 **appropriations bill.** (1) The Appropriations Committee
 9 chairman, in presenting the bill, is not subject to the
 10 5-minute speaking limitation.
 11 (2) Each appropriations subcommittee chairman shall
 12 fully present his or her portion of the bill. A subcommittee
 13 chairman is not subject to the 5-minute speaking limitation.
 14 (3) After the presentation by the subcommittee
 15 chairman, the respective section of the bill is open for
 16 debate, questions, and amendments.
 17 (4) An amendment that affects more than one section of
 18 the bill must be offered when the first section affected is
 19 considered.
 20 (5) Following completion of the debate on each
 21 section, that section is closed and may not be reopened
 22 except by majority vote.
 23 (6) If a member moves to reopen a section for
 24 amendment, only the amendment of that member may be
 25 entertained. Another member wishing to amend the same

1 section shall make a separate motion to reopen the section.

2 (7) Debate on the motion to reopen a section is
3 limited to the question of reopening the section. The
4 amendment itself may not be debated at that time. This
5 limitation does not prohibit the member from explaining the
6 amendment to be considered.

7 (8) A motion for cloture is not in order during debate
8 on the general appropriations bill.

9 **H40-190. Engrossing.** (1) After legislation is passed
10 on second reading, it must be engrossed within 48 hours
11 under the direction of the Speaker. The Speaker may grant
12 additional time for engrossing.

13 (2) When the legislation has been reported correctly
14 engrossed, it may be placed on third reading on the
15 following legislative day. On the final legislative day, the
16 correctly engrossed legislation may be placed on third
17 reading on the same legislative day.

18 **H40-200. Third reading.** (1) All bills, joint
19 resolutions, and Senate amendments to House bills and
20 resolutions passing second reading must be placed on third
21 reading.

22 (2) Legislation on third reading may not be amended or
23 debated.

24 (3) The Speaker shall state the question on
25 legislation on third reading. If a majority of the

1 representatives voting does not approve the legislation, it
2 fails to pass third reading.

3 **H40-210. Senate legislation in the House.** Senate
4 legislation properly transmitted to the House must be
5 treated as House legislation.

6 **H40-220. Senate amendments to House legislation.** (1)
7 When the Senate has properly returned House legislation with
8 Senate amendments, the House shall announce the amendments
9 on Order of Business No. 4, and the Speaker shall place
10 them on second reading for debate.

11 (2) If the House accepts Senate amendments on
12 legislation requiring more than a majority vote for final
13 passage, the House, following approval of the Senate
14 amendments on third reading, shall place the final form of
15 the legislation on third reading to determine if the
16 required vote is obtained.

17 (3) If the House rejects the Senate amendments, the
18 House may request the Senate to recede from its amendments
19 or may direct appointment of a conference committee and
20 request the Senate to appoint a like committee.

21 **H40-230. Conference committee reports.** (1) When a
22 House conference committee files a report, the report must
23 be announced under Order of Business No. 3.

24 (2) The House may debate and adopt or reject the
25 conference committee report on second reading on any

1 legislative day.

2 (3) If both the House and the Senate adopt the same
3 conference committee report on legislation requiring more
4 than a majority vote for final passage, the House, following
5 approval of the conference committee report on third
6 reading, shall place the final form of the legislation on
7 third reading to determine if the required vote is obtained.

8 (4) If the House rejects a conference committee
9 report, the committee continues to exist unless dissolved by
10 the Speaker or by motion. The committee may file a
11 subsequent report.

12 (5) A House conference committee may confer regarding
13 matters assigned to it with any Senate conference committee
14 with like jurisdiction and submit recommendations for
15 consideration of the House.

16 **H40-240. Enrolling.** (1) When House legislation has
17 passed both houses, it must be enrolled within 48 hours
18 under the direction of the Speaker. The Speaker may grant
19 additional time for enrolling.

20 (2) The chief sponsor of the legislation shall examine
21 the enrolled legislation and, if it has no enrolling errors,
22 shall, within 1 legislative day, certify the legislation as
23 correctly enrolled.

24 (3) The correctly enrolled legislation must be
25 delivered to the Speaker, who shall sign the legislation not

1 later than the following legislative day. When enrolled
2 legislation is delivered on the final legislative day, the
3 Speaker shall sign it that day.

4 (4) After the legislation has been reported correctly
5 enrolled but before it is signed, any representative may
6 examine the legislation.

7 **H40-250. Governor's amendments.** (1) When the Governor
8 returns a bill with recommended amendments, the House shall
9 announce the amendments under Order of Business No. 5.

10 (2) The House may debate and adopt or reject the
11 Governor's recommended amendments on second reading on any
12 legislative day.

13 (3) If both the House and the Senate accept the
14 Governor's recommended amendments on a bill that requires
15 more than a majority vote for final passage, the House shall
16 place the final form of the legislation on third reading to
17 determine if the required vote is obtained.

18 **H40-260. Governor's veto.** (1) When the Governor
19 returns a bill with a veto, the House shall announce the
20 veto under Order of Business No. 5.

21 (2) On any legislative day, a representative may move
22 to override the Governor's veto by a two-thirds vote under
23 Order of Business No. 9.

24 Chapter 5

25 Floor Actions

1 **H50-10. Attendance.** (1) A representative, unless
2 excused, is required to be present at every sitting of the
3 House.

4 (2) A representative may request in writing to be
5 excused for a specified cause by his party leader. This
6 excused absence is not a leave with cause from a call of the
7 House.

8 **H50-20. Quorum.** (1) A quorum of the House is fifty-one
9 representatives (Montana Constitution, Art. V, Sec. 10).

10 (2) Any representative may question the lack of a
11 quorum at any time a vote is not being taken. The question
12 is nondebtable, may not be amended, and is resolved by a
13 roll call.

14 (3) The House may conduct no business without a
15 quorum, except that representatives present may convene,
16 compel the attendance of absent representatives, or adjourn.

17 **H50-30. Call of the House without a quorum.** (1) In the
18 absence of a quorum, a majority of the representatives
19 present may compel the attendance of absent representatives
20 through a call of the House without a quorum. The motion for
21 the call is nondebtable, may not be amended, and is in
22 order at any time it has been established that a quorum is
23 not present.

24 (2) During a call of the House, all business is
25 suspended. No motion is in order except a motion to adjourn

1 or to remove the call.

2 (3) When a quorum has been achieved under the call,
3 the call is automatically lifted. The call may also be
4 lifted by adjournment or by two-thirds of the
5 representatives present and voting.

6 **H50-40. Call of the House with a quorum.** (1) If a
7 quorum is present but at least one representative is excused
8 or absent, one-third of the representatives present and
9 voting may order a call of the House with a quorum.

10 (2) The motion for a call is nondebtable, may not be
11 amended, and is in order at any time a vote is not being
12 taken, except that a call of the House with a quorum is not
13 allowed in the Committee of the Whole.

14 (3) During a call of the House, all business is
15 suspended. No motion is in order except a motion to adjourn
16 or to remove the call.

17 (4) When all representatives are present, except those
18 on leave with cause, the call is automatically lifted. The
19 call may also be lifted by adjournment or by two-thirds of
20 the representatives present and voting.

21 **H50-50. Leave with cause.** (1) During a call of the
22 House, a representative with an overriding medical or
23 personal reason may request a leave with cause.

24 (2) If the representative is present at the time of
25 the call, the Speaker may approve a request for a leave with

1 cause.

2 (3) If the representative is not present at the time
3 of the call, two-thirds of the representatives present and
4 voting may approve a request for leave with cause.

5 (4) During a call of the House, a representative on
6 leave with cause may not cast a paired vote.

7 **H50-60. Motions.** (1) Any representative may propose a
8 motion allowed by the rules for the order of business under
9 which the motion is offered for the consideration of the
10 House. Unless otherwise specified in rule or law, a majority
11 of representatives voting is necessary and sufficient to
12 decide a motion.

13 (2) Seconds to motions on the House floor are not
14 required.

15 (3) Pairs are not allowed on votes that are specified
16 as "representatives present and voting".

17 **H50-70. Limits on debate of debatable motions.** (1)
18 Except for the representative who places a debatable motion
19 before the body, no representative may speak more than once
20 on the question unless a unanimous House consents. The
21 representative who places the motion may close.

22 (2) No representative may speak for more than 15
23 minutes on the same question, except that a representative
24 may have 5 minutes to close.

25 **H50-80. Nondebatable motions.** (1) A representative has

1 the right to understand any question before the House and,
2 usually under the administration of the presiding officer,
3 may ask questions to exercise this right.

4 (2) The following motions are nondebatable:

5 (a) to adjourn;

6 (b) for a call of the House;

7 (c) to recess or rise;

8 (d) for parliamentary inquiry;

9 (e) to table or take from the table;

10 (f) to call for the previous question or cloture;

11 (g) to amend a nondebatable motion;

12 (h) to divide a question;

13 (i) to postpone consideration to a day certain; and

14 (j) all incidental motions, such as motions relating
15 to voting or of a general procedural nature.

16 **H50-90. Questions.** A representative may, through the
17 presiding officer, ask questions of another representative
18 during a floor session. There is no limit on questions and
19 answers, except as provided in H20-40.

20 **H50-100. Amending motions -- limitations.** (1) A
21 representative may move to amend the specific provisions of
22 a motion without changing its substance.

23 (2) No more than one motion to amend a motion is in
24 order at any one time.

25 (3) A motion for a call of the House, for the previous

1 question, to table, or to take from the table may not be
2 amended.

3 **H50-110. Substitute motions.** (1) When a question is
4 before the House, no substitute motion may be made except
5 the following, which have precedence in the order listed:

- 6 (a) to adjourn;
- 7 (b) for a call of the House;
- 8 (c) to recess or rise;
- 9 (d) for a question of privilege;
- 10 (e) to table;
- 11 (f) to call for the previous question or cloture;
- 12 (g) to postpone consideration to a day certain;
- 13 (h) to refer to a committee;
- 14 (i) to propose amendments; and
- 15 (j) to postpone indefinitely.
- 16 (2) Nothing in this section allows a motion that would
17 not otherwise be allowed under a particular order of
18 business.

19 (3) No more than one substitute motion is in order at
20 any one time.

21 **H50-120. Withdrawing motions.** A representative who
22 proposes a motion may withdraw it before it is voted on or
23 amended.

24 **H50-130. Dividing a question.** A representative may
25 move to divide a question if it includes two or more

1 propositions so distinct that they can be separated and if
2 at least one substantive question remains after one
3 substantive question is removed.

4 **H50-140. Previous question.** (1) If a majority of
5 representatives present and voting adopts a motion for the
6 previous question, debate is closed on the question and it
7 must be brought to a vote. The Speaker may not entertain a
8 motion to end debate unless at least one proponent and one
9 opponent have spoken on the question.

10 (2) Notwithstanding the passage of a motion to end
11 debate, the sponsor of the motion on which debate was ended
12 may close.

13 **H50-150. Questions requiring other than a majority**
14 **vote.** The following questions require the vote specified:

- 15 (1) a call of the House with a quorum (one-third of
16 the members present and voting);
- 17 (2) a motion to lift a call of the House (two-thirds
18 of the members present and voting);
- 19 (3) a motion to amend or suspend rules (two-thirds OF
20 THE MEMBERS VOTING);
- 21 (4) a motion to record a vote (one representative);
- 22 (5) a motion to spread a vote on the journal (two
23 representatives);
- 24 (6) a motion to override the Governor's veto
25 (two-thirds OF EACH HOUSE);

1 (7) a motion to approve a bill to appropriate the
2 principal of the coal trust fund (three-fourths of each
3 house);

4 (8) a motion to approve a bill to appropriate highway
5 revenue as described in Article VIII, section 6, of the
6 Montana Constitution for purposes other than therein
7 described (three-fifths of each house);

8 (9) a motion to approve a bill proposing to amend the
9 Montana Constitution (two-thirds of the entire Legislature);

10 (10) an appeal of the ruling of the presiding officer
11 (three representatives);

12 (11) a motion to speak more than once on a debatable
13 motion (unanimous vote);

14 (12) a motion to overturn an adverse committee report
15 (three-fifths of the members voting);

16 (13) a motion to rerefer a bill from one committee to
17 another (three-fifths of the members present and voting);

18 (14) a motion to withdraw a bill from a committee
19 (three-fifths of the members present and voting);

20 (15) a motion to add legislation to the second or third
21 reading agenda (three-fifths of the members present and
22 voting);

23 (16) any motion to remove legislation from its normal
24 progress through the House as provided under these rules and
25 reassign it unless otherwise specifically provided by these

1 rules (three-fifths of the members present and voting);

2 (17) a motion to change a vote (unanimous);

3 (18) a motion to call for cloture (~~three-fifths~~
4 TWO-THIRDS of the members present and voting); and

5 (19) a motion to approve leave with cause during a call
6 of the house (two-thirds of the members present and voting).

7 **H50-160. Reconsideration.** (1) Any representative may,
8 within 1 legislative day of a vote, move to reconsider the
9 House vote on any matter still within the control of the
10 House.

11 (2) A motion for reconsideration, unless tabled or
12 replaced by a substitute motion, must be disposed of when
13 made.

14 (3) When a motion for reconsideration fails, the
15 question is finally settled. A motion for reconsideration
16 may not be renewed or reconsidered.

17 (4) A motion to recall legislation from the Senate
18 constitutes a motion to reconsider and is subject to the
19 same rules.

20 **H50-170. Renewing procedural motions.** The House may
21 renew a procedural motion if further House business has
22 intervened.

23 **H50-180. Tabling.** (1) Under Order of Business No. 9, a
24 representative may move to table any question, motion, or
25 legislation before the House except the question of a quorum

1 or a call of the House. The motion is nondebatable and may
2 not be amended.

3 (2) When a matter has been tabled, a representative
4 may move to take it from the table under Order of Business
5 No. 9 on any legislative day.

6 **H50-190. Indefinite postponement.** A majority of
7 representatives may indefinitely postpone any matter
8 properly before the House.

9 **H50-200. Voting.** (1) The representatives shall vote to
10 decide any motion or question properly before the House.
11 Each representative has one vote.

12 (2) The House may, without objection, use a voice vote
13 on procedural motions that are not required to be recorded
14 in the journal. If a representative rises and objects, the
15 House shall record the vote.

16 (3) The House shall record the vote on all substantive
17 questions. If the voting system is inoperable, the Chief
18 Clerk shall record the representatives' votes by other
19 means.

20 **H50-210. Changing a vote.** (1) A representative may
21 move to change his vote within 1 legislative day of the
22 vote. The motion is nondebatable. A unanimous House shall
23 consent to the change. The representative making the motion
24 shall first specify the question and the original vote
25 tally.

1 (2) An error caused by a malfunction of the voting
2 system may be corrected without a vote.

3 **H50-220. Pairs.** (1) An excused representative may file
4 a pairing slip to vote on any pairable vote during the
5 excused absence.

6 (2) An excused representative shall sign a pairing
7 slip that specifies the motion and the desired vote. One
8 representative desiring to vote on the opposite side of the
9 motion shall also sign the pairing slip and may not vote in
10 any other manner on the motion.

11 (3) The pairing slip must be handed in at the rostrum
12 by the party whip or designated representative before voting
13 on the motion has commenced.

14 (4) The pair may be revoked before the vote with the
15 approval of both paired representatives.

16 (5) Two representatives on either side of the question
17 may pair on a motion requiring other than a majority vote.

18 **H50-230. Recess.** The House may stand at ease or, by
19 majority vote, may recess under any order of business. The
20 recess may be ended at the call of the chair or at a time
21 specified.

22 **H50-240. Adjournment for a legislative day.** (1) A
23 representative may move that the House adjourn for that
24 legislative day. The motion is nondebatable and may be made
25 under any order of business except Order of Business No. 7.

(2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on the subsequent legislative day.

H50-250. Adjournment sine die. A representative may move that the House adjourn for the session. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

Chapter 6

Rules

H60-10. House rules. (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, two-thirds of the representatives VOTING must vote in favor of the question to amend the rules.

(3) The Speaker shall refer to the House Rules Committee all resolutions for House rules.

(4) The House Rules Committee shall report all resolutions for House rules within 1 legislative day of referral.

H60-20. Tenure of rules. Rules adopted by the House remain in effect until removed by House resolution or until a new House is elected and takes office.

H60-30. Suspension of rules. The House may suspend a House rule ~~by a two-thirds vote~~ ON A MOTION APPROVED BY NOT

LESS THAN TWO-THIRDS OF THE MEMBERS VOTING.

H60-40. Supplementary rules. Mason's Manual of Legislative Procedure (1989) governs House proceedings in all cases not covered by House rules.

H60-50. Interpreting rules. The Speaker shall interpret all questions on House rules, subject to appeal by any fifteen representatives to the House Rules Committee. The decision of the House Rules Committee may be appealed to the House by any representative.

H60-60. Joint rules superseded. A House rule, insofar as it relates to the internal proceedings of the House, supersedes a joint rule.

-End-

ELEVENTH LEGISLATIVE DAY

Helena, Montana
January 13, 1989

House Chambers
State Capitol

House convened at 11:46 a.m., Mr. Speaker in the Chair. Invocation by Representative Harper. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Brown and Compton, excused. Quorum present.

Mr. Speaker: We, your Committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighth and ninth legislative days, find the same to be correct.

Menahan, Chairman

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Carlson escorted the elected state officials, members of the Supreme Court, and guests into the chamber.

A committee from the Senate composed of Senators Severson, Noble, and Lynch was admitted and reported to the House the Senate was ready to meet in joint session and hear the message of the Governor.

Sergeant-at-Arms Carlson escorted members of the Senate into the House chamber.

Speaker Vincent introduced President Galt and yielded the chair to him.

Senator Gage moved the body resolve itself into a joint session for the purpose of receiving the State of the State Address from His Excellency, the Honorable Stan Stephens, Governor of the State of Montana. Motion carried.

Senator Gage moved President Galt be authorized to appoint a committee of four to notify His Excellency, the Governor, the House and Senate are now in joint session and ready to receive him. Motion carried.

President Galt appointed Senators Farrell and Boylan and Representatives Marks and Bardanouve and discharged them to escort the Governor to the House chamber.

Captain Field and members of the Montana National Guard posted the colors.

Governor Stephens was escorted to the rostrum by the escort committee.

Reverend Tom Banks gave the Invocation. The Pledge of Allegiance to the Flag followed.

After being presented to the members of both houses by President Galt, Governor Stephens delivered the following address:

STATE OF THE STATE MESSAGE
PRESENTED TO THE
FIFTY-FIRST LEGISLATURE
AND TO THE PEOPLE OF MONTANA
BY
GOVERNOR STAN STEPHENS

Friday, January 13, 1989, at 12 noon

Mr. President, Mr. Speaker, members of Montana's Centennial Legislative Session, elected state officials, fellow Montanans.

Reverend Banks gave the Benediction, and Governor Stephens was escorted from the House chamber by the escort committee.

Sergeants-at-Arms Carlson and Moritz escorted the distinguished guests from the House chamber.

Senator Gage moved the 51st Legislature in joint session this day authorize the publication of 500 copies of Governor Stephens' State of the State Address. Motion carried.

Senator Gage moved the joint session of the 51st Legislature be adjourned. Motion carried.

Members of the Senate retired from the House chamber.

Representative Harper moved the House stand in recess until 1:30 p.m.

Motion carried.

House recessed at 12:29 p.m.

House reconvened at 1:34 p.m. Mr. Speaker in the Chair.

Representative Grinde was excused at this time.

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman):

1/13/89

Correctly printed: HB 75.

Correctly engrossed: HB 5, HB 29, HB 33, HB 53, HB 55, HB 71.

Correctly enrolled: HR 1.

Examined by the sponsor and found to be correct:

HR 1 - Harper

Signed by the Speaker at 11:00 a.m., 1/13/89: HR 1.

Delivered to the Governor for his approval at 2:15 p.m., 1/12/89: HB 65.

BUSINESS AND ECONOMIC DEVELOPMENT (Pavlovich, Chairman):

1/12/89

HB 19, introduced bill, be amended as follows:

1. Title, line 5.

Following: "STOCKHOLDERS"

Strike: the remainder of line 5 and line 6 through "STATE"

2. Page 1, line 17.

Following: "state"

Insert: ", of whom at least two-thirds must be residents of Montana"

3. Page 1, line 17.

Following: "be"

Strike: the remainder of line 17 and line 18 through "or"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Darko, Chairman):

1/12/89

HB 58, introduced bill, be amended as follows:

1. Page 15, line 2.

Strike: "due"

Insert: "providing"

Strike: "defined"

Insert: "set forth"

Strike: "76-15-103"

Insert: "7-1-2121"

Terry Anderson, Bozeman, Montana 59715, appointed to serve a term ending January 1, 1993.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 51st Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nominations and that the Secretary of the Senate immediately deliver a copy of this Resolution pursuant to section 5-5-303, MCA.

Passed January 10, 1989.

HOUSE RESOLUTION NO. 1

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO ADOPT RULES TO GOVERN ITS PROCEEDINGS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following rules be adopted:

Chapter 1 Administration

H10-10. House officers. (1) House officers include a Speaker, a Speaker pro tempore, majority and minority floor leaders, and majority and minority whips (section 5-2-221, MCA).

(2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the House membership. A majority of each caucus voting nominates House members to the remaining offices, and those nominees are considered to have been elected by a majority vote of the House.

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, and decorum.

(2) The Speaker may order the galleries or lobbies cleared in case of disturbance or disorderly conduct.

(3) The Speaker shall appoint and may remove the members of all standing and select committees not otherwise specified by law or rule.

(4) The Speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals (section 5-11-201, MCA), subpoenas, and payrolls.

(5) The Speaker shall arrange the agendas for second and third readings each legislative day. Representatives may amend the agendas as provided in H40-120.

(6) The Speaker is the chief administrative officer of the House, with authority for supervising all House employees. The Speaker may seek the

advice and counsel of the Legislative Administration Committee regarding employees.

H10-30. Speaker-elect. During the transition period between the party organization caucuses and the election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the House (section 5-2-202, MCA). Authority includes approving presession expenditures.

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall act as the presiding officer in the absence of the Speaker and shall carry out other duties assigned by the Speaker.

H10-50. Legislative Administration Committee duties. (1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee shall have authority to act in the interim to prepare for future legislative sessions. It may delegate specific duties to a legislative agency.

(3) The committee shall approve contracts for purchase or lease of equipment and supplies for the House, subject to the approval of the Speaker.

(4) The committee shall comprise the House membership of the Joint Legislative Administration Committee.

H10-60. Employees. (1) The Speaker shall appoint a Chief Clerk, Sergeant-at-Arms, and Chaplain, subject to confirmation of the House (section 5-2-221, MCA).

(2) The Speaker shall recommend to the Legislative Administration Committee employment of necessary staff.

(3) The secretary for a standing or select committee is generally responsible to the committee chairman but shall work under the direction of the Chief Clerk.

(4) The Speaker and majority and minority floor leaders may each appoint a private secretary.

H10-70. Chief Clerk's duties. The Chief Clerk, under the supervision of the Speaker, is responsible to:

(1) have custody of all records and documents of the House;

(2) supervise the handling of legislation in the House, the House journal, and other House publications; deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect minutes and exhibits from all House committees and subcommittees and deliver them, unbound, to the Legislative Council librarian who will arrange to have them copied on microfilm. A microfilm copy will be provided to the Legislative Council and the Montana State Law Library. The Legislative Fiscal Analyst will receive a microfilm copy of the minutes from the appropriation committee and

subcommittees. After microfilming, the original minutes will be delivered to the Montana Historical Society.

H10-80. Sergeant-at-Arms duties. The Sergeant-at-Arms, under the supervision of the Speaker, has the responsibility to:

- (1) maintain order under the direction of the presiding officer;
- (2) execute commands and serve all processes of the House; and
- (3) receive, distribute, and have custody of House supplies and equipment.

H10-90. Legislative aides. (1) A legislative aide is a person specifically designated by a representative to assist that representative in performing legislative duties. A representative may sponsor one legislative aide a session by written notification to the Sergeant-at-Arms.

(2) No representative may designate a second legislative aide in the same session without the approval of the House Rules Committee.

(3) A legislative aide must be of legal age unless otherwise approved by the House Rules Committee.

(4) The Sergeant-at-Arms shall issue distinctive identification tags to legislative aides. The cost must be paid by the sponsoring representative.

H10-100. Legislative interns. A legislative intern is a person designated under Title 5, chapter 6, MCA.

H10-110. House journal. (1) The House shall keep a journal, which is the official record of House actions (Montana Constitution, Art. V, Sec. 10). The journal must be prepared under the direction of the Speaker.

(2) Records of the following proceedings must be entered on the journal:

- (a) the taking and subscription of the constitutional oath by representatives (Montana Constitution, Art. III, Sec. 3; 5-2-214);
- (b) committee reports;
- (c) messages from the Governor;
- (d) messages from the Senate;
- (e) every motion, the name of the representative presenting it, and its disposition;
- (f) the introduction of legislation in the House;
- (g) consideration of legislation subsequent to introduction;
- (h) on final passage of legislation, the names of the representatives and their vote on the question (Montana Constitution, Art. V, Sec. 11);
- (i) roll call votes; and
- (j) upon a request by two representatives before a vote is taken, the names of the representatives and their votes on the question.

(3) The Chief Clerk shall provide to the Legislative Council such information as may be required for the publication of the daily journal. Upon approval by the Speaker, the daily journal shall be reproduced and distributed.

(4) Any representative may examine the daily journal and propose corrections. The speaker may direct a correction to be made when suggested subject to objection by the House.

(5) The Speaker shall authenticate the House journal after the close of the session (section 5-11-201, MCA).

(6) The Legislative Council shall publish and distribute the House journal (sections 5-11-202 and 5-11-203, MCA). The title of each bill must be listed in the index of the published session journal.

H10-120. Votes recorded and public. Every vote of each representative on each substantive question in the House, in any committee, or in committee of the whole must be recorded and made public (Montana Constitution, Art. V, Sec. 11).

H10-130. Duration of legislative day. A legislative day ends either 24 hours after the House convenes for that day or at the time the House convenes for the following legislative day, whichever is earlier.

Chapter 2
Decorum

H20-10. Questions of order and privilege. (1) Questions of order and privilege, in order of precedence, are:

- (a) those affecting the collective rights, safety, dignity, and integrity of the House; and
- (b) those affecting the rights, reputation, and conduct of individual representatives.

(2) The Speaker shall decide all questions of order and privilege, subject to an appeal by any representative seconded by two representatives.

H20-20. Limits on lobbying. Lobbying on the House floor and in the anteroom is prohibited during a daily session, 2 hours before the session, and 2 hours after the session.

H20-30. Admittance to the House floor. The following persons may be admitted to the House floor during a daily session: present and former legislators; legislative employees necessary for the conduct of the session; accredited news staff; and members' spouses and children. The Speaker may allow exceptions to this rule.

H20-40. Dilatory motions or questions. The House has a right to protect itself from dilatory motions or questions used for the purpose of delaying or obstructing business. The presiding officer shall decide if motions (except a call of the House) or questions are dilatory. This decision may be appealed to the House.

H20-50. Opening and order of business. The opening of each legislative day must include an invocation, the pledge of allegiance, and roll call. Following the opening, the order of business of the House is as follows:

- (1) communications and petitions;
- (2) reports of standing committees;
- (3) reports of select committees;
- (4) messages from the Senate;
- (5) messages from the Governor;
- (6) first reading and commitment of bills;
- (7) second reading of bills;
- (8) third reading of bills;
- (9) motions;
- (10) unfinished business;
- (11) special orders of the day; and
- (12) announcement of committee meetings.

H20-60. Lobbying by employees. (1) A legislative employee, intern, or aide of either house is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

(2) The Speaker or the Legislative Administration Committee may discipline or discharge any House employee violating this prohibition. The Speaker or the committee may withdraw the privileges of any House aide or intern violating this prohibition.

H20-70. Papers distributed on desks. A paper concerning proposed legislation may not be placed on representatives' desks unless it is signed and permission has been granted by the Speaker. The Sergeant-at-Arms shall direct its distribution.

Chapter 3 Committees

H30-10. House standing committees. The following are the House standing committees: Agriculture, Livestock, and Irrigation; Appropriations; Business and Economic Development; Education and Cultural Resources; Fish and Game; Highways and Transportation; Human Services and Aging; Judiciary; Labor and Employment Relations; Legislative Administration; Local Government; Natural Resources; Rules; State Administration; and Taxation.

H30-20. Chairman's duties. The chairman of a committee is the presiding officer of that committee and is responsible for maintaining order within the committee room and its environs, scheduling hearings and executive action, supervising committee work, and certifying committee reports and minutes.

H30-30. Officers as members. The Speaker, majority leader, and minority leader are ex officio, nonvoting members of all House committees. They are not required to be considered in the quorum, but they may count toward establishing a quorum.

H30-40. Committee action. (1) When legislation is referred to a committee, it may recommend approval or disapproval, with or without amendment.

(2) The committee may recommend that a bill on which it has made a favorable recommendation by unanimous vote be placed on the consent calendar.

(3) The committee may not report a bill to the House without recommendation.

(4) If a bill is withdrawn from a committee and brought to the House floor without a committee recommendation, the bill must include amendments formally adopted by committee action as reflected in committee minutes for debate on second reading.

H30-50. Reconsideration in committee. Except for the Committee of the Whole, a committee may at any time prior to submitting a report to the Chief Clerk reconsider its previous action on legislation.

H30-60. Legislation requested by a committee. At least two-thirds of all the representatives of a standing committee must have voted in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be taken jointly or separately.

H30-70. Rules committee makeup. The Speaker will determine the total number of members and the party division, but each party will appoint its own members.

Chapter 4 Legislation

H40-10. Introduction deadlines. (1) Except as provided in subsection (2), if a representative accepts drafted legislation from the Legislative Council after the deadline for introduction, the representative may not introduce that legislation after 48 hours from the time the bill was accepted from the Legislative Council.

(2) No bill or resolution may be introduced any later than 5 p.m. 5 legislative days prior to the appropriate transmittal deadline.

H40-20. House resolutions. (1) A House resolution is used to adopt or amend House rules, make recommendations on the districting and apportionment plan (Montana Constitution, Art. V, Sec. 14), express the sentiment of the House, or assist House operations.

(2) As to drafting, introduction, and referral, a House resolution is treated as a bill. Final passage of a House resolution is determined by the Committee of the Whole report. A House resolution does not progress to third reading.

(3) The Chief Clerk shall transmit a copy of each passed House resolution to the Senate and the Secretary of State.

H40-30. Cosponsors. (1) Prior to submitting legislation to the Chief Clerk for introduction, the chief sponsor may add representatives and senators as cosponsors by having them sign the three copies.

(2) After legislation is submitted for introduction but before the legislation returns from the first House committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Chief Clerk. This filing must be noted by the chief clerk for the record on Order of Business No. 11.

H40-40. Introduction. (1) During a session, proposed House legislation may be introduced in the House by submitting it in triplicate, endorsed with the signature of a representative as chief sponsor, to the Chief Clerk for introduction. In each session of the Legislature, the proposed legislation must be numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed legislation constitutes introduction.

(2) Preintroduction of legislation prior to a session under provisions of the joint rules constitutes introduction in the House.

(3) Acknowledgment by the Chief Clerk of receipt of legislation transmitted from the Senate for consideration by the House constitutes introduction of the Senate legislation in the House.

H40-50. First reading. Legislation properly introduced or received in the House must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a representative may question adherence to rules.

H40-60. One reading per day. Except on the final legislative day, legislation may receive no more than one reading per legislative day. On the final legislative day, legislation may receive more than one reading.

H40-70. Referral. (1) The Speaker shall refer to a House committee all properly introduced House legislation and transmitted Senate legislation.

(2) Legislation may not receive final passage and approval unless it has been referred to a House committee.

H40-80. Rereferral. Legislation that is in the possession of the House and that has not been killed may be rereferred to a House committee by House motion approved by not less than three-fifths of the members present and voting.

H40-90. Legislation withdrawn from committee. Legislation may be withdrawn from a House committee by House motion approved by not less than three-fifths of the members present and voting.

H40-100. Standing committee reports. (1) A House standing committee recommendation of "do pass" or "be concurred in" must be announced across the rostrum and, if there is no objection to form, is considered adopted.

(2) A recommendation of "do not pass" or "be not concurred in" must be announced across the rostrum and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A motion to reject an adverse committee report must be approved by not less than three-fifths of the members voting.

(3) If the House rejects an adverse committee report, the bill progresses to second reading, as scheduled by the Speaker, with any amendments recommended by the committee.

H40-110. Consent calendar procedure. Noncontroversial bills and simple and joint resolutions may be recommended for the consent calendar by a standing committee and processed according to the following provisions:

(1) To be eligible for the consent calendar, the legislation must receive a unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must be made and passed unanimously to place the legislation on the consent calendar and this action reflected in the committee report. Appropriation or revenue bills may not be recommended for the consent calendar.

(2) The legislation must then be sent to be processed and reproduced as a third reading version and specifically marked as a "consent calendar" item.

(3) Legislation must be posted immediately (as soon as it is received as a third reading version) on the consent calendar and must remain there for 1 legislative day before consideration under Order of Business No. 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent calendar and allow "reasonable time" for questions and answers upon request. No debate is allowed.

(4) If any three representatives submit written objections to the placement of the legislation on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.

(5) Consent calendar legislation will be considered on Order of Business No. 8, third reading of bills, following the regular third reading agenda.

(6) Legislation on the consent calendar must be considered individually with the roll call vote spread on the journal as the final vote in the House.

(7) Legislation passed on the consent calendar must then be transmitted to the Senate.

H40-120. Legislation requiring other than a majority vote. Legislation that requires other than a majority vote for final passage needs only a majority vote for any action that is taken prior to final passage and that normally requires a majority vote.

H40-130. Amending House second and third reading agendas. (1) A majority of representatives present may rearrange or remove legislation from either the second or third reading agenda on that legislative day.

(2) Legislation may be added to the second or third reading agenda on that legislative day on a motion approved by not less than three-fifths of the members present and voting.

H40-140. Second reading. (1) Legislation returned from committee may be placed on second reading unless otherwise ordered by the House.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

(3) Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is reported from committee and the time it is considered on second reading.

(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise.

H40-150. Amendments in the Committee of the Whole. (1) All Committee of the Whole amendments must be checked by the House amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most recent Bill Drafting Manual published by the Legislative Council, before the amendment may be accepted at the rostrum. The amendment form must include the date and time the amendment is submitted for that check.

(2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be marked as checked by the amendments coordinator and signed by a representative.

(3) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the official records.

H40-160. Motions in the Committee of the Whole. (1) When the House resolves itself into a Committee of the Whole, the only motions in order are to:

- (a) amend;
- (b) recommend passage or nonpassage;

(c) recommend concurrence or nonconcurrence;

(d) indefinitely postpone;

(e) pass consideration;

(f) call for cloture;

(g) rise, rise and report, or rise and report progress and beg leave to sit again; and

(h) to change the order in which legislation is placed on the agenda.

(2) Subsections (1)(e) through (1)(g) are nondebateable but may be amended.

(3) If a quorum of representatives is not present during second reading, the Committee of the Whole may conduct no business on legislation and a motion for a call of the House without a quorum is in order.

H40-170. Limits on debate in the Committee of the Whole. (1) Except for the representative who makes a motion, no representative may speak more than once on the motion and for no more than 5 minutes. The representative who makes the motion may have 5 minutes to close.

(2) After at least two proponents and two opponents have spoken on a question and 45 minutes have elapsed, a motion to call for cloture is in order. Approval by not less than two-thirds of the members present and voting is required to sustain a motion for cloture. Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

(3) By previous agreement of the Speaker and the minority floor leader, a bill or resolution may be allocated a predetermined amount of time for debate and number of speakers.

H40-180. Special provisions for debate on the general appropriations bill. (1) The Appropriations Committee chairman, in presenting the bill, is not subject to the 5-minute speaking limitation.

(2) Each appropriations subcommittee chairman shall fully present his or her portion of the bill. A subcommittee chairman is not subject to the 5-minute speaking limitation.

(3) After the presentation by the subcommittee chairman, the respective section of the bill is open for debate, questions, and amendments.

(4) An amendment that affects more than one section of the bill must be offered when the first section affected is considered.

(5) Following completion of the debate on each section, that section is closed and may not be reopened except by majority vote.

(6) If a member moves to reopen a section for amendment, only the amendment of that member may be entertained. Another member wishing to amend the same section shall make a separate motion to reopen the section.

(7) Debate on the motion to reopen a section is limited to the question of reopening the section. The amendment itself may not be debated at that time. This limitation does not prohibit the member from explaining the amendment to be considered.

(8) A motion for cloture is not in order during debate on the general appropriations bill.

H40-190. Engrossing. (1) After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.

(2) When the legislation has been reported correctly engrossed, it may be placed on third reading on the following legislative day. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day.

H40-200. Third reading. (1) All bills, joint resolutions, and Senate amendments to House bills and resolutions passing second reading must be placed on third reading.

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

H40-210. Senate legislation in the House. Senate legislation properly transmitted to the House must be treated as House legislation.

H40-220. Senate amendments to House legislation. (1) When the Senate has properly returned House legislation with Senate amendments, the House shall announce the amendments on Order of Business No. 4, and the Speaker shall place them on second reading for debate.

(2) If the House accepts Senate amendments on legislation requiring more than a majority vote for final passage, the House, following approval of the Senate amendments on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(3) If the House rejects the Senate amendments, the House may request the Senate to recede from its amendments or may direct appointment of a conference committee and request the Senate to appoint a like committee.

H40-230. Conference committee reports. (1) When a House conference committee files a report, the report must be announced under Order of Business No. 3.

(2) The House may debate and adopt or reject the conference committee report on second reading on any legislative day.

(3) If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report

on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(4) If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report.

(5) A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

H40-240. Enrolling. (1) When House legislation has passed both houses, it must be enrolled within 48 hours under the direction of the Speaker. The Speaker may grant additional time for enrolling.

(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation not later than the following legislative day. When enrolled legislation is delivered on the final legislative day, the Speaker shall sign it that day.

(4) After the legislation has been reported correctly enrolled but before it is signed, any representative may examine the legislation.

H40-250. Governor's amendments. (1) When the Governor returns a bill with recommended amendments, the House shall announce the amendments under Order of Business No. 5.

(2) The House may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the House and the Senate accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the House shall place the final form of the legislation on third reading to determine if the required vote is obtained.

H40-260. Governor's veto. (1) When the Governor returns a bill with a veto, the House shall announce the veto under Order of Business No. 5.

(2) On any legislative day, a representative may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

Chapter 5 Floor Actions

H50-10. Attendance. (1) A representative, unless excused, is required to be present at every sitting of the House.

(2) A representative may request in writing to be excused for a specified cause by his party leader. This excused absence is not a leave with cause from a call of the House.

H50-20. Quorum. (1) A quorum of the House is fifty-one representatives (Montana Constitution, Art. V, Sec. 10).

(2) Any representative may question the lack of a quorum at any time a vote is not being taken. The question is nondebatable, may not be amended, and is resolved by a roll call.

(3) The House may conduct no business without a quorum, except that representatives present may convene, compel the attendance of absent representatives, or adjourn.

H50-30. Call of the House without a quorum. (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.

(2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.

H50-40. Call of the House with a quorum. (1) If a quorum is present but at least one representative is excused or absent, one-third of the representatives present and voting may order a call of the House with a quorum.

(2) The motion for a call is nondebatable, may not be amended, and is in order at any time a vote is not being taken, except that a call of the House with a quorum is not allowed in the Committee of the Whole.

(3) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(4) When all representatives are present, except those on leave with cause, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.

H50-50. Leave with cause. (1) During a call of the House, a representative with an overriding medical or personal reason may request a leave with cause.

(2) If the representative is present at the time of the call, the Speaker may approve a request for a leave with cause.

(3) If the representative is not present at the time of the call, two-thirds of the representatives present and voting may approve a request for leave with cause.

(4) During a call of the House, a representative on leave with cause may not cast a paired vote.

H50-60. Motions. (1) Any representative may propose a motion allowed by the rules for the order of business under which the motion is offered for the consideration of the House. Unless otherwise specified in rule or law, a majority of representatives voting is necessary and sufficient to decide a motion.

(2) Seconds to motions on the House floor are not required.

(3) Pairs are not allowed on votes that are specified as "representatives present and voting".

H50-70. Limits on debate of debatable motions. (1) Except for the representative who places a debatable motion before the body, no representative may speak more than once on the question unless a unanimous House consents. The representative who places the motion may close.

(2) No representative may speak for more than 15 minutes on the same question, except that a representative may have 5 minutes to close.

H50-80. Nondebatable motions. (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

(2) The following motions are nondebatable:

- (a) to adjourn;
- (b) for a call of the House;
- (c) to recess or rise;
- (d) for parliamentary inquiry;
- (e) to table or take from the table;
- (f) to call for the previous question or cloture;
- (g) to amend a nondebatable motion;
- (h) to divide a question;
- (i) to postpone consideration to a day certain; and
- (j) all incidental motions, such as motions relating to voting or of a general procedural nature.

H50-90. Questions. A representative may, through the presiding officer, ask questions of another representative during a floor session. There is no limit on questions and answers, except as provided in H20-40.

H50-100. Amending motions — limitations. (1) A representative may move to amend the specific provisions of a motion without changing its substance.

(2) No more than one motion to amend a motion is in order at any one time.

(3) A motion for a call of the House, for the previous question, to table, or to take from the table may not be amended.

H50-110. Substitute motions. (1) When a question is before the House, no substitute motion may be made except the following, which have precedence in the order listed:

- (a) to adjourn;
- (b) for a call of the House;

- (c) to recess or rise;
- (d) for a question of privilege;
- (e) to table;
- (f) to call for the previous question or cloture;
- (g) to postpone consideration to a day certain;
- (h) to refer to a committee;
- (i) to propose amendments; and
- (j) to postpone indefinitely.

(2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order of business.

(3) No more than one substitute motion is in order at any one time.

H50-120. Withdrawing motions. A representative who proposes a motion may withdraw it before it is voted on or amended.

H50-130. Dividing a question. A representative may move to divide a question if it includes two or more propositions so distinct that they can be separated and if at least one substantive question remains after one substantive question is removed.

H50-140. Previous question. (1) If a majority of representatives present and voting adopts a motion for the previous question, debate is closed on the question and it must be brought to a vote. The Speaker may not entertain a motion to end debate unless at least one proponent and one opponent have spoken on the question.

(2) Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

H50-150. Questions requiring other than a majority vote. The following questions require the vote specified:

- (1) a call of the House with a quorum (one-third of the members present and voting);
- (2) a motion to lift a call of the House (two-thirds of the members present and voting);
- (3) a motion to amend or suspend rules (two-thirds of the members voting);
- (4) a motion to record a vote (one representative);
- (5) a motion to spread a vote on the journal (two representatives);
- (6) a motion to override the Governor's veto (two-thirds of each house);
- (7) a motion to approve a bill to appropriate the principal of the coal trust fund (three-fourths of each house);
- (8) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than therein described (three-fifths of each house);

(9) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature);

(10) an appeal of the ruling of the presiding officer (three representatives);

(11) a motion to speak more than once on a debatable motion (unanimous vote);

(12) a motion to overturn an adverse committee report (three-fifths of the members voting);

(13) a motion to rerefer a bill from one committee to another (three-fifths of the members present and voting);

(14) a motion to withdraw a bill from a committee (three-fifths of the members present and voting);

(15) a motion to add legislation to the second or third reading agenda (three-fifths of the members present and voting);

(16) any motion to remove legislation from its normal progress through the House as provided under these rules and reassign it unless otherwise specifically provided by these rules (three-fifths of the members present and voting);

(17) a motion to change a vote (unanimous);

(18) a motion to call for cloture (two-thirds of the members present and voting); and

(19) a motion to approve leave with cause during a call of the house (two-thirds of the members present and voting).

H50-160. Reconsideration. (1) Any representative may, within 1 legislative day of a vote, move to reconsider the House vote on any matter still within the control of the House.

(2) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of when made.

(3) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration may not be renewed or reconsidered.

(4) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the same rules.

H50-170. Renewing procedural motions. The House may renew a procedural motion if further House business has intervened.

H50-180. Tabling. (1) Under Order of Business No. 9, a representative may move to table any question, motion, or legislation before the House except the question of a quorum or a call of the House. The motion is nondebatable and may not be amended.

(2) When a matter has been tabled, a representative may move to take it from the table under Order of Business No. 9 on any legislative day.

H50-190. Indefinite postponement. A majority of representatives may indefinitely postpone any matter properly before the House.

H50-200. Voting. (1) The representatives shall vote to decide any motion or question properly before the House. Each representative has one vote.

(2) The House may, without objection, use a voice vote on procedural motions that are not required to be recorded in the journal. If a representative rises and objects, the House shall record the vote.

(3) The House shall record the vote on all substantive questions. If the voting system is inoperable, the Chief Clerk shall record the representatives' votes by other means.

H50-210. Changing a vote. (1) A representative may move to change his vote within 1 legislative day of the vote. The motion is nondebatable. A unanimous House shall consent to the change. The representative making the motion shall first specify the question and the original vote tally.

(2) An error caused by a malfunction of the voting system may be corrected without a vote.

H50-220. Pairs. (1) An excused representative may file a pairing slip to vote on any pairable vote during the excused absence.

(2) An excused representative shall sign a pairing slip that specifies the motion and the desired vote. One representative desiring to vote on the opposite side of the motion shall also sign the pairing slip and may not vote in any other manner on the motion.

(3) The pairing slip must be handed in at the rostrum by the party whip or designated representative before voting on the motion has commenced.

(4) The pair may be revoked before the vote with the approval of both paired representatives.

(5) Two representatives on either side of the question may pair on a motion requiring other than a majority vote.

H50-230. Recess. The House may stand at ease or, by majority vote, may recess under any order of business. The recess may be ended at the call of the chair or at a time specified.

H50-240. Adjournment for a legislative day. (1) A representative may move that the House adjourn for that legislative day. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

(2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on the subsequent legislative day.

H50-250. Adjournment sine die. A representative may move that the House adjourn for the session. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

Chapter 6 Rules

H60-10. House rules. (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, two-thirds of the representatives voting must vote in favor of the question to amend the rules.

(3) The Speaker shall refer to the House Rules Committee all resolutions for House rules.

(4) The House Rules Committee shall report all resolutions for House rules within 1 legislative day of referral.

H60-20. Tenure of rules. Rules adopted by the House remain in effect until removed by House resolution or until a new House is elected and takes office.

H60-30. Suspension of rules. The House may suspend a House rule on a motion approved by not less than two-thirds of the members voting.

H60-40. Supplementary rules. Mason's Manual of Legislative Procedure (1989) governs House proceedings in all cases not covered by House rules.

H60-50. Interpreting rules. The Speaker shall interpret all questions on House rules, subject to appeal by any fifteen representatives to the House Rules Committee. The decision of the House Rules Committee may be appealed to the House by any representative.

H60-60. Joint rules superseded. A House rule, insofar as it relates to the internal proceedings of the House, supersedes a joint rule.

Passed January 11, 1989.

HOUSE RESOLUTION NO. 2

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING ANHEUSER-BUSCH TO LOCATE A MALTING BARLEY PROCESSING PLANT IN MONTANA.

WHEREAS, it is in the best interest of the State of Montana to encourage industry to process Montana agricultural products within the state; and

WHEREAS, Montana is a major producer of high quality malting barley; and

WHEREAS, Montana has the potential to significantly expand its malting barley production; and

WHEREAS, Montana State University is one of the leading universities in the United States in developing new malting barley varieties; and